



भारत का राजपत्र

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NEW DELHI, SATURDAY, MARCH 10, 2001/PHALGUNA 19, 1922

इस भाग में चित्र पृष्ठ संख्या वी जाते हैं जिससे कि यह घलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—बाणी 3—उप-बाणी (II)
PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (एक मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक घारेश और प्रधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

कार्मिक, लोक शिक्षायत तथा पेशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 26 फरवरी, 2001

का.आ 469 :—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना प्रधिनियम, 1946 (1946 का प्रधिनियम नं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए निम्नलिखित प्रधिनियम के अधीन सभी अपराधों को दिल्ली विशेष पुलिस स्थापना द्वारा अच्छेषित किए जाने वाले अपराधों के रूप में विनिर्दिष्ट करती है:

(क) सूचना प्रौद्योगिकी प्रधिनियम, 2000 (2000 का प्रधिनियम नं. 21) के अधीन सभी अपराध।

(ख) उपर्युक्त अपराधों में से एक अथवा अधिक अपराधों में मबद्धित अथवा समक्त प्रयत्न, दुष्प्रेरण और पड़यन्त्र तथा उसी संब्यवहार के अनुक्रम में किया

गया अथवा किए गए अथवा उन्हीं तथ्यों से उद्भूत कोई अन्य अपराध।

[स. 228/15/2001-ए.वी. डी.-II]

हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 26th February, 2001

S.O. 469.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act, No. 25 of 1946), the Central Government hereby specifies all the offences under the following Act as the offences which are to be investigated by the Special Police Establishment.—

(a) All Offences under the Information Technology Act, 2000, (Act No. 21 of 2000).

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/15/2001-AVD.II]
HARI SINGH, Under Secy.

विन मंत्रालय
(गजस्व विभाग)
(केन्द्रीय प्रबन्धक कर बोर्ड)
नई दिल्ली, 13 नवंबर, 2000
(ग्राहक)

का आ 470—आकर अधिनियम, 1961
(1961 का 43) की धारा 10 के खड़ (23 ग) के उपर्युक्त (6) वाग प्रबन्ध गतियों का प्रयोग करते हुए केन्द्रीय सरकार एन्डडारा “न्यू ग्रीनफील्ड एज्युकेशनल सोसायटी, नई दिल्ली” को वर्ष 1999-2000 से 2001-2002 तक के कार निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपर्युक्त के प्रयोजनार्थ अधिसूचित करती है, अथवा—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका मन्त्रालय पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है,
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से सगत पूर्ववर्ती वर्षों की किसी भी अवधि के दीरान वाग 11 की उपधारा (5) मे विनियिष्ट किसी एक अवधि एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरगत, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप मे प्राप्त तथा अनुरक्षित स्टैचिठ क अंदराम से भिन्न) का निवेश नहीं करेगा अथवा उसे जना नहीं करवा सकेगा,
- (iii) यह अधिसूचना किसी ऐसी आय के सबध मे लागू नहीं होगी, जौनि कारोबार से प्राप्त लाभ तथा अभिनाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्राप्तिगण नहीं हो तथा ऐसे कारोबार के मंजूध मे अन्य से लेखा पुस्तिकाएं नहीं रखी जाती हों,
- (iv) कर निर्धारिती आकर अधिनियम, 1961 के पारागता के अनुकार प्रत्यनी आग विवरणी नियमित रूप से आयकर प्राप्तिकारी के ममक फाइल करेगा,

(v) विष्टन की स्थिति मे अतिरिक्त राशिया और परिस्थितिया समान उद्देश्यों वाले धर्मिं सगठन को देदी जाएगी।

[अधिसूचना संख्या : 11545/फा.स. 197/108/2000-
आ.क.नि. I]
समर भद्र, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 13th November, 2000

(INCOME TAX)

S.O. 470.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “New Green-field Educational Society, New Delhi” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc) for any period, during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11545/F. No. 197/108/2000-
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 13 नवम्बर, 2000

(आयकर)

का.आ.सं. 471 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “गोविन्द भवन कार्यालय, कलकत्ता” को 2001-2002 से 2003-2004 तक के करनिर्धारण वर्षों के लिए निम्नलिखित गतों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) करनिर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) करनिर्धारिती उपर उल्लिखित करनिर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त करनिर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ;
- (iv) करनिर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निर्यात स्वरूप से आयकरप्राधिकारी के समक्ष फाइल करेगा ;
- (v) विवरण की दशा में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मर्थ संगठन को दी जाएंगी ।

[अधिसूचना सं. 11546/का.सं. 197/75/2000-आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 13th November, 2000

(INCOME TAX)

S.O. 471.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Govind Bhawan Karyalaya, Calcutta” for the purpose of the said sub-clause for the assessment years 2001-2002 to 2003-2004 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects the assessee will apply

its income, or accumulate for application for which it is established ;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business ;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961 ;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11546/F. No. 197/75/2000-
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 नवम्बर, 2000

(आयकर)

का.आ.सं. 472 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग के) उप-खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “अपूर्त नाय आश्रम, कलकत्ता” को दर्श 2000-2001 से 2002-2003 तक के करनिर्धारण वर्षों के लिए निम्नलिखित गतों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) करनिर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) करनिर्धारिती उपर्युक्त करनिर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित, स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त नाय

तथा अभिलाभ हो जब तक कि ऐसा कारोबार उत्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुमार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियों और परिसम्पत्तियों समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना सं. 11550/का.सं. 197/13/2000-
श्राक.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 16th November, 2000

(INCOME TAX)

S.O. 472.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Amrit Nath Ashram, Calcutta” for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects the assessee will apply its income, or accumulate for application for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 11550/F. No. 197/13/2000-
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 फरवरी, 2001

(आयकर)

का. आ. 473 :—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतदारा “कैथोलिक इंस्टीट्यूट आफ कार्मेलाइट सिस्टर्स, जलन्धर” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उत्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत शूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक लंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उत्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुमार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 27/2001/का.सं. 197/105/2000-
श्राक.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 6th February, 2001

(INCOME TAX)

S.O. 473.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Catholic Institute of

Carmelite Sisters, Jalandhar" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects the assessee will apply its income, or accumulate for application for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 27/2001/F. No. 197/105/2000-
ITA-I]

SAMAR BHADRA, Under Secy,

नई दिल्ली, 7 फरवरी, 2001

(आयकर)

का.आ. 474 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (6क) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "डॉ. विद्या सागर कौशलया देवी भेमोरियल हैल्प सेंटर, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से मंगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 पी उपाधारा (5) में विविधिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से

भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त अनुभित स्वैच्छिक अंशवान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसा कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 32/2001/फा.सं. 197/11/2001—
आ.क.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 7th February, 2001

(INCOME TAX)

S.O. 474.—In exercise of the powers conferred by the sub-clause (via) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Dr. Vidya Sagar Kaushalya Devi Memorial Health Centre, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in

accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 32/2001/F. No. 197/11/2001-
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 फरवरी, 2001

(आयकर)

का.आ. 475 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “बेल ब्यू क्लिनिक, कलकत्ता” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ठंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर जवाहिरत, फर्नीचर अथवा किसी अन्य अस्तु आदि के स्थ में प्राप्त तथा अनुनक्षित स्वैच्छिक ग्रंथालय से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखापुस्तिकाएं नहीं रखी जाती हों;

(iv) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(v) विषयक की स्थिति में अतिरिक्त राशिया और परिसम्पत्तिया समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

[अधिसूचना स. 33/2001/फा.सं. 197/33/2000-
आ.क.नि. I]

समर भद्र, अवर मन्त्रिव

New Delhi, the 7th February, 2001

(INCOME TAX)

S.O. 475.—In exercise of the powers conferred by the sub-clause (via) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Belle Vue Clinic, Calcutta” for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 33/2001/F. No. 197/33/2000-
ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 फरवरी, 2001

(आयकर)

का.आ. 476 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “विज्ञान एजूकेशनल फाउन्डेशन, बंगलौर” को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(2) कर निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि एक से अधिक ढंग अवधि तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अवधि किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अवधि उसे जमा नहीं करवा सकेगा;

(3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अर्थिलाभ हो जब तक कि ऐसी कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग में लेखा पुस्तिकार्य नहीं रखी जाती हों;

(4) कर निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

(5) विघटन की स्थिति में अतिरिक्त राशियां और परिम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दी जाएंगी।

[अधिसूचना सं. 38/2001/फा. सं. 197/13/2001-
आक.नि. I]

समर भद्र, अवर सचिव

New Delhi, the 16th February, 2001

(INCOME TAX)

S.O. 476.—In exercise of the powers conferred by the sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Vignan Educational Foundation, Bangalore" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of

business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 38/2001/F. No. 197/13/2001-
ITA-I]

SAMAR BHADRA, Under Secy.

तई दिल्ली, 22 फरवरी, 2001

(आयकर)

का.आ. 477.—सर्वेसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ अधोलिखित संस्था को उसके नाम के सामने उल्लिखित अवधि के लिए "संस्था" श्रेणी के अंतर्गत नियम-लिखित शर्तों के अध्ययीन अनुमोदित करती है :—

(1) अधिसूचित संस्था अनुसंधान गतिविधियों के लिए अलग लेखा बही रखेगी,

(2) अधिसूचित संस्था हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अवधि उसमें पहले, सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू महरोली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी,

(3) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामित कर निर्धारित अधिकारी को आयकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित वार्षिक लेखे की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंतर्गत छूट प्रशान की गई थी, के संबंध में आय और अवधि खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को अवधि उसमें पहले संगठन पर अधिकार धोक वाले (क) आयकर महानिवेशक

(छूट), 10 मिडलटन रोड, 5वां तल, कलकत्ता-700071 (ब) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयुक्त/आयकर निदेशक (छूट) को प्रस्तुत, करेगा।

क्र.सं. अनुमोदित संगठन का नाम अधिकारी जिसके लिए अधिसूचना प्रभावी है।

1. प्रविंगा इंस्ट, मधुबन 132037 1-4-99 से जिला करनाल (हरियाणा) 31-3-2001 तक

टिप्पणी—अधिसूचित संस्था को यह भजाह दी जाती है कि वे अनुमोदन को बढ़ाए जाने हेतु पहले से ही तीन प्रतियों में अपने वैज्ञानिकार में आने वाले आयकर आयुक्त/आयकर निदेशक (छूट) के माध्यम से केन्द्र सरकार को आवेदन करे। अनुमोदन को बढ़ाने के लिए आवेदन पत्र की तीन प्रतियों सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जायेगी।

[अधिसूचना सं. 39/2001/फा. सं. 203/89/2000-आयकर नि.-II]

कमलेश सी. वाणीप, प्रबन्ध सचिव

New Delhi, the 22nd February, 2001

(INCOME TAX)

S.O. 477.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against its name for the purpose of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962, under the category "Institution" subject to the following conditions:—

- (i) The notified Institution shall maintain separate books of accounts for its research activities;
- (ii) The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income-tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income-tax/ Director of Income-tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research

activities for which exemption was granted under sub-section (1) of section 35 of Income-tax Act, 1961 in addition to the return of income-tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1.	Arpana Trust Madhuban 132 037 District Karnal (Haryana)	1-4-99 to 31-3-2001

Notes—The notified Institution is advised to apply in triplicates and well in advance for further extension of the approval, to the Central Government through the Commissioner of Income-tax/ Director of Income-tax (Exemptions) having jurisdiction. Three copies of the application for extension of approval shall be sent directly to Secretary, Department of Scientific and Industrial Research.

[Notification No. 39/2001/F. No. 203/89-2000-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 22 फरवरी, 2001

(आयकर)

का.आ. 478—सर्वमाध्यारण की जानकारी के लिये यह अधिसूचित किया जाता है कि केन्द्र सरकार, आयकर नियमावली, 1962 के नियम 6 के माध्यम पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (2) के प्रयोजनार्थ अधीलिखित संस्था को उसके नाम के सामने उल्लिखित अवधि के लिए "संस्था" श्रेणी के अन्तर्गत निम्नलिखित शर्तों के अध्यधीन अनुमोदित करती है :—

- (1) अधिसूचित संस्था अनुसंधान गतिविधियों के लिए अलग लेखा बही रखेगी,
- (2) अधिसूचित संस्था हरेक वित्त वर्ष के निए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अथवा उससे पहले सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मर्होली रोड, नई दिल्ली-110016 को प्रस्तुत करेगी,
- (3) अधिसूचित संस्था केन्द्र सरकार की तरफ से नामिन कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अनावा अर्थात् लेखा परीक्षित वार्षिक लेखे की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंतर्गत छूट प्रदान की गई थी, के मंत्रधर्म में आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष

31 अक्टूबर को प्रथमा उससे पहले संगठन, पर अधिकार थेव बाजे (क) आयकर महानिदेशन (छट), 10 मिडलटन रोड, 5 वा तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं अधिकार अनुसंधान विभाग (ग) आयकर आयकर/आयकर निवेशक (छट) को प्रस्तुत करेगा।

क्रम. अनुमोदित संगठन का नाम सं.	अवधि जिसके लिए अधिसूचना प्रभावी है
1 कलात्मक रेटेट सेरीकल्चर रिसर्च फैब्रिलपर्मेंट इंस्टीट्यूट, धालाघाटपुरा बंगलौर-560062	1-4-2000 से 31-2-2003 तक
2 श्री राम साइटिफिक एंड इंडस्ट्रियल रिसर्च फाऊण्डेशन, सकूति भवन, संडेवालान, नई दिल्ली-110055	1-4-2000 से 31-3-2003 तक
3. हीराबाई कोवासजी जहांगीर मेडिकल रिसर्च इंस्टीट्यूट, 32 सेसून रोड, पुणे-411001	1-4-2000 से 31-3-2003 तक

टिप्पणी:—अधिसूचित संस्था को यह सलाह दी जाती है कि वे अनुमोदन को बढ़ाए जाने हेतु पहले से ही तीन प्रतियों में अपने क्षेत्राधिकार में आने वाले आयकर आयकर/आयकर निवेशक (छट) के माध्यम से केन्द्री सरकार को आवेदन करें। अनुमोदन को बढ़ाने के लिए आवेदन पत्र की तीन प्रतियो मन्त्रिव, वैज्ञानिक एवं अधिकार अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं. 40/2001/का. स. 203/10/2001-आयकर नि. II]

कमलेश सी. वार्षने, अध्यकर सचिव

New Delhi, the 22nd February, 2001

(INCOME TAX)

S.O. 478.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against their names for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962, under the category "Institution" subject to the following conditions:—

- The notified Institution shall maintain separate books of accounts for its research activities;
- The notified Institution shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;

(iii) The notified Institution shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of Income tax to the designated assessing officer.

S. No.	Name of the organisation approved	Period for which Notification is effective
1	Karnataka State Sericulture Research Development Institute, Thalaghatalapura, Bangalore-560062	1-4-2000 to 31-3-2003
2.	Shri Ram Scientific & Industrial Research Foundation, Sanskriti Bhawan, Jhandewalan, New Delhi-110055	1-4-2000 to 31-3-2003
3.	Hirabai Cowasji Jehangir Medical Research Institute, 32, Sesoon Road, Pune-411001	1-4-2000 to 31-3-2003

Notes.—The notified Institution is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax|Director of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 40/2001] F. No. 203/10/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 22 फरवरी, 2001

(आयकर)

का.प्रा. 479:—सर्वलक्षणाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अंडे (ii) के प्रयोगनार्थ अधिकारित संघ को उसके नाम के सामने उल्लिखित अधिकार के लिए "वंश" शेणी के प्रत्यर्गत निम्नलिखित शतों के अधिकार अनुमोदित करती है:—

- अधिसूचित संघ अनुसंधान गतिविधियों के लिए अलग लेखा वही रखेगी;

(ii) अधिसूचित संघ हरेक वितर्प के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की वार्षिक रिपोर्ट प्रतिवर्ष 31 मई को अथवा उससे पहले निचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग प्रोद्योगिकी भवन, न्यू महरौली रोड, मई विल्स 110016 को प्रस्तुत करेगी;

(iii) अधिसूचित संघ केन्द्र सरकार की तरफ से नामित कर निर्धारण अधिकारी को आयकर की विवरणी प्रस्तुत करने के अलावा अपने नेतृत्व परीक्षित वार्षिक लेखों की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आयकर प्रधिमितम 1961 की घारा 35 की उपबारा (1) के अन्तर्गत छूट प्रदान की गई थी; के संबंध में आय और व्यय खाते की लेखा परीक्षा की एक प्रति प्रतिवर्ष 31 अक्टूबर को अथवा उससे पहले संगठन पर अधिकार अधिकारी वाले (क) आयकर महानियेक (छूट), 10 मिडलटन रोड, 5 मा तम, कलकत्ता-700071 (ख) निचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आयकर आयकर आयकर नियोजक (छूट) को प्रस्तुत करेगा।

क्र. अनुमोदित संगठन का नाम
सं.

प्रबंधि जिसके लिए
अधिसूचना
प्रभावी है

1. इंडो-फ्रेंच सेंटर फार द प्रोग्राम शाफ एडवामड रिसर्च, इंडियन हैबिटेट सेटर, औद्योगिक रोड, नई विल्सी-110003	1-4-2000 से 31-3-2003 तक
2. द मातृथ इंडियन सुगरकेन एण्ड सुगर टेक्नीॉलॉजीस्ट्स एसोसिएशन, 49-III मेन रोड, गांधी नगर, न्यूदेहर, चेन्नई-600020	22-6-2000 से 31-3-2002 तक
3. मेटर फार डेवलपमेंट शाफ एडवामड कम्प्यूटिंग, पुणे यनिशस्टी कैम्पस, 1-4-99 से गणेशलिंग रोड, पुणे-411007	1-4-99 से 31-3-2002 तक

टिप्पणी—अधिसूचित संघ को यह सनाह दी जाती है कि वे अनुमोदन को बड़गा जाने भेत्रु पहले से ही तीन प्रतिवर्षों में अपने अधिकारियों में आने वाले आयकर आयकर/आयकर नियोजक (छूट) पर माध्यम से केन्द्र सरकार को आवेदन करें। अनुमोदन बदाने के लिए आवेदन पत्र की तीन प्रतियां निचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग को भी सीधे भेजी जाएंगी।

[अधिसूचना सं 41/2001/का. न. 203/10/2001-
आ. क. नि. II]

कामलेश सी. वाणीय, पर्वर निचिव
New Delhi, the 22nd February, 2001

(INCOME TAX)

S.O. 479.—It is hereby notified for general information that the organisation mentioned below

have been approved by the Central Government for the period mentioned against their names for the purpose of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962, under the category "Association" subject to the following conditions:—

- (i) The notified Association shall maintain separate books of accounts for its research activities;
- (ii) The notified Association shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified Association shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071 (b) the Secretary, Department of Scientific & Industrial Research, and (c) the Commissioner of Income tax (Exemptions), Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

9. No.	Name of the organisation approved	Period for which Notification is effective
1.	Indo-French Centre for the Promotion of Advanced Research, Indian Habita Centre, Lodhi Road, New Delhi-110003	1-4-2000 to 31-3-2003
2.	The South Indian Sugarcane & Sugar Technologists' Association, 49-III Main Road, Gandhi Nagar, Adyar, Chennai-600020	22-6-2000 to 31-3-2002
3.	Centre for Development of Advanced Computing, Pune University Campus, Ganeshkhind Road, Pune-411007	1-4-1999 to 31-3-2002

Notes.—The notified Association is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax (Exemptions) having jurisdiction. Three copies of the application for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 41/2001/F. No. 203/10/2001-
ITA-II]
KAMLESH C. VARSHNEY, Under Secy.

मई दिल्ली, 22 फरवरी, 2001

New Delhi, the 22nd February, 2001

(आष्टकर)

(INCOME TAX)

का.आ. 480.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार, आष्टकर नियमाबलों, 1962 के नियम 6 के साथ पहिला आष्टकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ अधिसूचित विश्वविद्यालय को, उसके नाम के सामने उल्लिखित अधिकारी के लिए "विश्वविद्यालय" श्वेणी के अन्तर्गत नियमित विद्युत शर्तों के अध्यधीन अनुमोदित करती है :—

- (i) अधिसूचित विश्वविद्यालय अनुसंधान गतिविधियों के लिए अलग लेखा वही रखेगी ;
- (ii) अधिसूचित विश्वविद्यालय हरेक वित्त वर्ष के लिए अपनी वैज्ञानिक अनुसंधान गतिविधियों की आविक रिपोर्ट प्रतिवर्ष 31 यदि को अथवा उससे पहले मध्यव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग, प्रोग्रामिक विभाग, न्यू महरौली रोड, नई दिल्ली-110016 को प्रस्तुत करेगा ;
- (iii) अधिसूचित विश्वविद्यालय केन्द्र सरकार की तरफ से नमिन कर निर्धारण अधिकारी को आष्टकर की विवरणी प्रस्तुत करने के अलावा अपने लेखा परीक्षित सायिक लेखे की एक प्रति तथा अपनी अनुसंधान गतिविधियों जिसके लिए आष्टकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत छूट प्रदान की गई थी, के संबंध में आय आर व्यय खाते की लेखा परीक्षा की एक प्रति-प्रणिक्षण 31 अक्टूबर को अथवा उससे पहले संगठन पर अधिकार क्षेत्र वाले (क) आष्टकर महानिदेशक (छूट), 10 मिडलटन रो, 5वां तल, कलकत्ता-700071 (ख) सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग (ग) आष्टकर प्रायुक्ति/आष्टकर नियेशक (छूट) को प्रस्तुत करेगा ।

क. अनुमोदित विश्वविद्यालय का नाम अधिकारी जिसके लिए अधिसूचना प्रमाणी है ।

1. इंजिनियरिंग एवं साइंस, 1-4-1999 से, साइंस इंस्टीट्यूट, पोर्ट आफिल्ड, 31-3-2001 तक बंगलौर-560012

टिप्पणी :—अधिसूचित कालेज को यह सलाह दी जाती है कि वे अनुमोदन को बढ़ाए जाने हेतु पहले से ही तीन प्रतियों में अपने वैज्ञानिकर में आने वाले आष्टकर प्रायुक्ति/आष्टकर नियेशक (छूट) के माध्यम से केन्द्र सरकार को अवेदन करें । अनुमोदन को बढ़ाने के लिए आवेदन पत्र की तीन प्रतियों सचिव, वैज्ञानिक एवं औद्योगिक अनुसंधान विभाग की भी सही भेजी जाएंगी ।

[अधिसूचना सं. 42/2001/का. सं. 203/10/2001
आ.का.नि. [I]
कमलेश सी. वार्षने, अधर सचिव

S.O. 480.—It is hereby notified for general information that the organisation mentioned below has been approved by the Central Government for the period mentioned against their name for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962, under the category "University" subject to the following conditions :—

- (i) The notified University shall maintain separate books of accounts for its research activities;
- (ii) The notified University shall furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, "Technology Bhawan", New Mehrauli Road, New Delhi-110016 for every financial year on or before 31st May of each year;
- (iii) The notified University shall submit, on behalf of the Central Government, to (a) the Director General of Income tax (Exemptions), 10 Middleton Row, 5th Floor, Calcutta-700071, (b) the Secretary, Department of Scientific and Industrial Research and (c) the Commissioner of Income tax/ Director of Income tax (Exemptions), having jurisdiction over the organisation, on or before the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under Sub-section (1) of Section 35 of Income tax Act, 1961 in addition to the return of income tax to the designated assessing officer.

S. No.	Name of the organisation	Period for which approved	Notification is effective
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1. Indian Institute of Science, Science Institute, Post Office, Bangalore-560012. 1-4-99 to 31-3-2001

Notes.—The notified College is advised to apply in triplicates and well in advance for renewal of the approval, to the Central Government through the Commissioner of Income tax/ Director of Income tax (Exemptions) having jurisdiction. Three copies of the applications for renewal of approval shall also be sent directly to the Secretary, Department of Scientific and Industrial Research.

[Notification No. 42/2001/F. No. 203/10/2001-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

(मार्कोटिक्स नियन्त्रण विभाग)

(विधिक कदम)

नई दिल्ली, 22 फरवरी, 2001

का.आ. 481.—स्वापक औषधि एवं मनप्रभावी पदार्थ अधिनियम, 1985 (1985 का 61) की धारा 36C के साथ पठित दृष्ट प्रक्रिया संहिता 1973 (1974 का 2) की धारा 24 की उपधारा (8) के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एन्ड्रुडारा श्री एन.एस. गुजराल, कार्यालय निदेशक, कार्यपालक बैंक को उनके कार्यभार ग्रहण करने की तारीख में 30 सितम्बर, 2005 तक की अवधि के लिए पंजाब एंड सिंध बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

वधारे कि श्री आर.पी. श्रीसास्त्र, उक्त तीन वर्षों की अवधि के दौरान केन्द्रीय अवकाश राज्य सरकार द्वारा स्वापक औषधि एवं मनप्रभावी पदार्थ अधिनियम, 1985 के अधीन किसी अपराध के लिए प्रारोपित किसी व्यक्ति को और से बचाव पक्ष के बकील के रूप में पेश नहीं होगे।

[फा.सं. 4/6/2000—एन सी डी (विधिक)]

एस. कुमार, उप विधिक सलाहकार

(Narcotics Control Division)

(Legal Cell)

New Delhi, the 22nd February, 2001

S.O. 481.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), read with section 36C of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby appoints, Shri R. P. Srivastava Advocate, as Special Public Prosecutor for the purpose of conducting cases of Narcotics Control Bureau on behalf of the Central Government under the Narcotic Drugs and Psychotropic Substances Act, 1985 in the courts at Varanasi, for a period of three years or until further orders, whichever is earlier.

Provided that Shri R. P. Srivastava shall not appear as a defence counsel or behalf of any accused booked by the Central or a State Government for an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985, during the said period of three years.

[F. No. IV/6/2000-NCD(Legal)]
S. KUMAR, Dy. Legal Advisor

(आधिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 23 फरवरी, 2001

का.आ. 482.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण बउपांष) स्कीम, 1988 के खण्ड 3 के उप-खण्ड (1), खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्ड्रुडारा श्री पी.के. गुप्ता जो इस समय पंजाब नेशनल बैंक के महाप्रबंधक है, को उनके कार्यभार ग्रहण करने की तारीख से पांच वर्ष की अवधि तक के लिए कारपोरेशन बैंक के पूर्णकालिक निदेशक (कार्यालय निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा.सं. 9/22/2000—बी.ओ.गी(i)]

रमेश चन्द, अबर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 23rd February, 2001

S.O. 482.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3, clause 5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri N. S. Gujral, Executive Director, Corporation Bank as Chairman and Managing Director, Punjab and Sind Bank for the period from the date of his taking charge and upto 30th September, 2005.

[F. No. 9/22/2000-B.O.I(i)]
RAMESH CHAND, Under Secy.

नई दिल्ली, 23 फरवरी, 2001

का.आ. 483.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एन्ड्रुडारा श्री पी.के. गुप्ता जो इस समय पंजाब नेशनल बैंक के महाप्रबंधक है, को उनके कार्यभार ग्रहण करने की तारीख से पांच वर्ष की अवधि तक के लिए कारपोरेशन बैंक के पूर्णकालिक निदेशक (कार्यालय निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा.सं. 9/22/2000—बी.ओ.-I(ii)]

रमेश चन्द, अबर सचिव

New Delhi, the 23rd February, 2001

S.O. 483.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri P. K. Gupta presently General Manager, Punjab National Bank as a whole time director (designated as the Executive Director) of Corporation Bank for a period of five years from the date of his taking charge.

[F. No. 9/22/2000-B.O.I(ii)]
RAMESH CHAND, Under Secy.

कोयला भूमालय

नई दिल्ली, 27 फरवरी, 2001

कानू. 484.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपबद्ध अनुसूची में उत्सवित भूमि में कोयला अभियान किए जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वकाण करने के अपने चारण की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक संख्यांक रा. 3/99 तारीख 22 मई, 1999 का निरीक्षण सेंट्रल कोलफील्ड्स लि. (राजस्व अनुभाग) वरभंग हाउस, रांची के कार्यालय या उपायुक्त, हजारी बाग (बिहार) या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाले भूमि से हिसबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में विनियिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर भारतीय अधिकारी/विभागाध्यक्ष (राजस्व), सेंट्रल कोलफील्ड्स लि., वरभंग हाउस, रांची को भेजें।

अनुसूची

केडला क्षारखंड ब्लाक विस्तार
जिला - हजारी बाग

सर्वाधिकार

रेखांक सं. 3/99, तारीख 22-5-1999
(पूर्वकाण के लिए भूमि दर्शति हुए)

क्र. सं. गांव	थाना	थाना सं.	जिला	क्षेत्र एकड़ में	टिप्पिणियां
1. केडला	मांडु	160	हजारी बाग	475.40	भाग
			कुल क्षेत्र :-	475.40 एकड़ (लगभग)	या
				192.46 हेक्टर (लगभग)	

सीमा वर्णन :—

क-ख

रेखा, बिन्दु "क" से आरंभ होती है और केडला तथा बानजी गांवों की सम्मिलित सीमा (केडला बानजी भाग के साथ-साथ) से होकर जाती है और बिन्दु "ख" पर मिलती है।

ख-ग-ब-झ

रेखा, परेज विस्तार ब्लाक की सम्मिलित सीमा के साथ केडला गांव में से होकर जाती है और बिन्दु "झ" पर मिलती है।

ब-छ

रेखा, केडला और लोहियो गांवों की सम्मिलित सीमा से होकर जाती है और बिन्दु "ज" पर मिलती है।

छ-अ

ज-स-अ-ट-ठ-ड-ण

रेखा, केडला गांव में से होकर केडला आरखंड ब्लॉक की सम्मिलित सीमा के साथ-साथ जारी है और बिन्दु "ग" पर मिलती है।

ग-त

रेखा, केडला गांव में से होकर केडला आरखंड ब्लॉक की सम्मिलित सीमा के साथ-साथ जारी है और बिन्दु "त" पर मिलती है।

त-थ

रेखा, केडला प्रौद्योगिक गांवों की सम्मिलित सीमा से होकर परेज विस्तार ब्लॉक की संयुक्त सीमा के साथ-साथ जारी है और आरंभिक बिन्दु "क" पर मिलती है।

[S. 43015/22/2000-पी भार आई इस्यू]

संजय बहादुर, उप सचिव

MINISTRY OF COAL

New Delhi, the 27th February, 2001

S.O. 484.—Whereas it appears to the Central Government that Coal is likely to be obtained from the land mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section(1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government therein;

The plan No.Rev./3/99 dated the 22nd May, 1999 of the area covered by this notification can be inspected in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi or in the Office of the Deputy Commissioner, Hazaribagh (Bihar), or in the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Central Coalfields Limited, Darbhanga House, Ranchi within ninety days from the date of the publication of this notification in the Official Gazette.

SCHEDULE

Kedla, Jharkhand Block Extension

Distt.—Hazaribagh

Drg. No. Rev/3/99

Dated 22-5-1999

(Showing land notified for prospecting)

All Rights

Sl. No.	Village	Thana	Thana No.	District	Area in Acres	Area in Hectars	Remarks
1.	Kedla	Mandu	160	Hazaribagh	475.40	192.46	Part
	Total				475.40 (approx.)	192.46 (approx.)	

A--B Line starts from 'A' and passes through common boundary of villages Kedla and Banji (alongwith Kedla Banji Road) and meets at point 'B'.

B—C—D—E—F—G	Lines pass through in village Kedla along common boundary of Parej Extension Block and meet at point 'G'.
G—H	Line passes through common boundary of villages Kedla and Loiyo and meets at point 'H'.
H—I—J—K—L—M—N—O	Lines pass through in village Kedla along common boundary of Kedla Jharkhand Block and meets at point 'O'.
O—P	Line passes through in village Kedla along common boundary of Kedla Jharkhand Block and meets at point 'P'.
P—A	Line passes through common boundary of villages Kedla and Ichakdih along common boundary of Parej Extension Block and meets at starting point 'A'.

[No. 43015/22/2000-PRIW]

SANJAY BAHADUR, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 5 मार्च, 2001

का.ग्रा. 485.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की भारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.ग्रा. 1300 तारीख 17 मई, 1997 द्वारा अधिकारीत करते हुए नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रतिष्ठित में उल्लिखित लेखों के संबंध में, उक्त अधिनियम के अधीन सकार प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्यात् :—

अनुसूची

प्राधिकारी का नाम और पता

प्राधिकारिता लेख

(1)

(2)

श्री बंधन कुमार दत्ता, एस.आर.ओ.-II
पश्चिमी बंगाल सरकार से प्रतिनियुक्ति पर
भूमि अर्जन अधिकारी,
सकार प्राधिकारी,
इंडियन प्रायल कारपोरेशन लिमिटेड,
हूल्हिया—बरोनी शूड पाइपलाइन संवर्धन परियोजना,
कासबेरिया, डाकघर—खंजनाथ, हूल्हिया-721602
जिला—मिदनपुर (पश्चिमी बंगाल)

पश्चिमी बंगाल राज्य

[संख्या आर—31015/6/97-यो. शार.-1]

एस. चन्द्रशेखर, अध्यक्ष सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 5th March, 2001

S.O. 485.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1300, dated the 17th May, 1997, the Central Government

hereby authorises the person mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the provisions of the said Act, within the areas mentioned in the corresponding entry in column (2) of the said Schedule :

SCHEDULE

Name and address of the authority	Area of jurisdiction
(1)	(2)
Shri Bandhan Kumar Dutta, SRO-II Land Acquisition Officer on deputation from the Government of West Bengal, Competent Authority, Indian Oil Corporation Limited, Augmentation of Haldia Barauni Crude Oil Pipeline Project, Kashberia, P.O. Khanjanchak, Haldia-721 602 District midnapur (West Bengal),	State of West Bengal

[No. R-31015/6/97-OR-I]
S. CHANDRASEKHAR, Under Secy.

नागर विमानन मंत्रालय

मई दिल्ली, 26 फरवरी, 2001

का.ग्रा. 486.—केन्द्रीय सरकार, सरकारी स्थान (अधिकृत अधिसूचियों की बेदखली) विविधम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, भारत सरकार के नागर विमानन मंत्रालय की अधिसूचना सं. का.ग्रा. 1796, तारीख 1 जुलाई, 1997 में निम्नलिखित संशोधन करती है, अर्थात् :—

- (क) क्रम सं. 2 के सामने, स्तम्भ 1 में, “उप महाप्रबंधक (विमानपत्तन)” शब्दों और कोष्ठकों के स्थान पर, “उप विमानपत्तन निदेशक” शब्द रखे जाएंगे ;
- (ख) क्रम सं. 3 के सामने,
- (i) स्तम्भ 1 में, “मुम्बई अंतर्राष्ट्रीय विमानपत्तन” शब्दों के स्थान पर, “छत्रपति शिवाजी अंतर्राष्ट्रीय विमानपत्तन” शब्द रखे जाएंगे ;
- (ii) स्तम्भ 2 में, “सहार अंतर्राष्ट्रीय विमानपत्तन” शब्दों के स्थान पर, “छत्रपति शिवाजी अंतर्राष्ट्रीय विमानपत्तन” शब्द रखे जाएंगे ;
- (ग) क्रम सं. 4 के सामने, स्तम्भ 1 में, “उप महाप्रबंधक (विमानपत्तन)” शब्दों और कोष्ठकों के स्थान पर, “उप विमानपत्तन निदेशक” शब्द रखे जाएंगे ;
- (घ) क्रम संख्या 8 के सामने स्तम्भ 1 में, प्रविष्टि के स्थान निम्नलिखित रखा जाएगा, अर्थात्— “भारत में विमानपत्तनों, सिविल अंतर्क्षेत्रों और किन्हीं अन्य स्टेशनों का प्रभार धारण करने वाला प्रादेशिक कार्यपालक निदेशक/विमानपत्तन निदेशक/अपर महाप्रबंधक/महाप्रबंधक/ज्येष्ठ प्रबंधक/प्रबंधक/सहायक प्रबंधक” ।

[सं. एबी-24011/002/2001-एएआई]

के. रामकृष्णन, अधर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 26th February, 2001

S.O. 486.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Civil Aviation No. S.O. 1796, dated the 1st July, 1997, namely :—

- (a) against serial No. 2, in Column 1, for the words and brackets “Deputy General Manager (Airport)”, the words “Deputy Airport Director” shall be substituted;
- (b) against serial No. 3,—
 - (i) in Column 1, for the words “Mumbai International Airport”, the words “Chhatrapati Shivaji International Airport” shall be substituted;
 - (ii) in Column 2, for the words “Sahar International Airport”, the words “Chhatrapati Shivaji International Airport” shall be substituted;
- (c) against serial No. 4, in Column 1, for the words and brackets “Deputy General Manager (Airport)”, the words “Deputy Airport Director” shall be substituted;
- (d) against serial No. 8, for the entry in Column 1, the following shall be substituted, namely :—

“Regional Executive Director|Airport Director|Additional General Manager|General Manager|Senior Manager|Manager|Assistant Manager holding charge at the Airports, Civil Enclaves and any other Stations in India”.

[No. AV-24011/002/2001-AAI]

K. RAMAKRISHNAN, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 फरवरी, 2001

का. आ. 487.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रसुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इलीट इलेक्ट्रॉनिक्स, पटेल बाड़ी के सामने, शिवाजी नगर, सावर कुण्डला-364515 गुजरात द्वारा उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “ई ई” श्रृंखला के अंकीय सूचन सहित, अस्वचालित, तोलन उपकरण (मेज तल प्रकार) के माडल का, जिसके ब्रांड का नाम “इलीट” है (जिसे इसमें इसके पश्चात् “मॉडल” कहा गया है) और जिसे अनुमोदन विहीन आई एन डी/09/00/219 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित अस्वचालित मेजतल प्रकार का तोलन उपकरण है जिसकी, अधिकतम क्षमता 11 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है। सत्यापन मापमान (ई) मान 1 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेंक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) “ई” मान 1 भिली ग्रा. से 50 भिली ग्रा. के लिए 100 से 100,000 की रेंज में, सहित सत्यापन मापमान अन्तराल (एन) का 100 भिली ग्राम या अधिक के लिए 5000 से 100,000 की रेंज में है तथा “ई” मान 1, 2 और 5 श्रृंखला का है।

[फा० सं० डब्ल्यू० एम०-21(62)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 22nd February, 2001

S.O. 487.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Table top type) with digital indication (here in after referred to as the model) of "EE" series belonging to high accuracy class (accuracy Class II) and with brand name "ELITE", manufactured by M/s. Elite Electronics, Opposite Patel Wadi, Shivaji Nagar, Savarkundla,-364 515, Gujarat and which is assigned the approval mark IND/09/00/219;

The model is a non-automatic weighing instrument of table top type with digital indication of maximum capacity of 11kg., minimum capacity 50 g. and belonging to high accuracy class (accuracy class II). The value of verification scale interval (e) is 1g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale internal (n) in the range 100 to 100,000 for 'e' value 1 mg to 50 mg and with number of verification scale interval (n) in the range 5000 to 100,000 for 'E' value of 100 mg or more and with 'E' value of 1, 2 and 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. W.M.-21(62)/99]

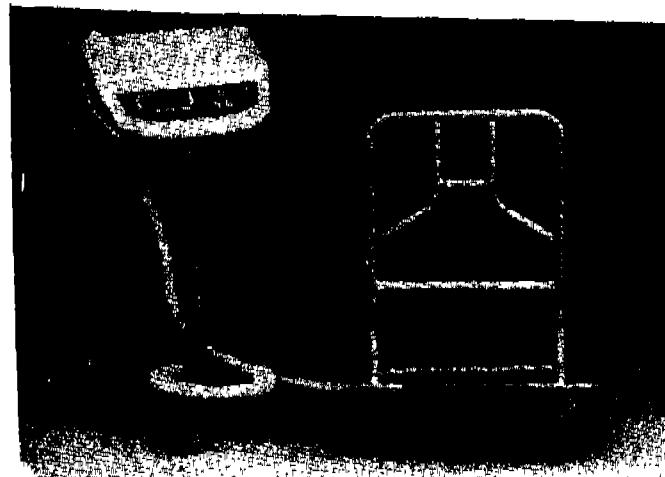
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 488.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, ऐसर्स ईलीट इलेक्ट्रॉनिक्स, पटेल बाड़ी के समाने, शिवाजी नगर, सापर कुण्डला-364515 गुजरात द्वारा मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “ई ई” श्रृंखला के अंकीय सूचन सहित, अस्वचालित, तोलन उपकरण (एलेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम “ईलीट” है (जिसे इसमें इसके पश्चात् “मॉडल” कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/220 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अंकीय सूचन सहित अस्वचालित एलेटफार्म प्रकार का तोलन उपकरण है जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान (ई) मान 5 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड प्रकार की है। उपकरण 230 बोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेंक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) “ई” मान 100 मिली ग्राम से 2 ग्राम के लिए 100 से 10,000 की रेंज में, सत्यापन मापमान अन्तराल (एन) का 5 ग्राम या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा ई मान 1, 2 और 5 श्रृंखला का है।

[फा० सं० डब्ल्यू० एम०-21(62)/99]

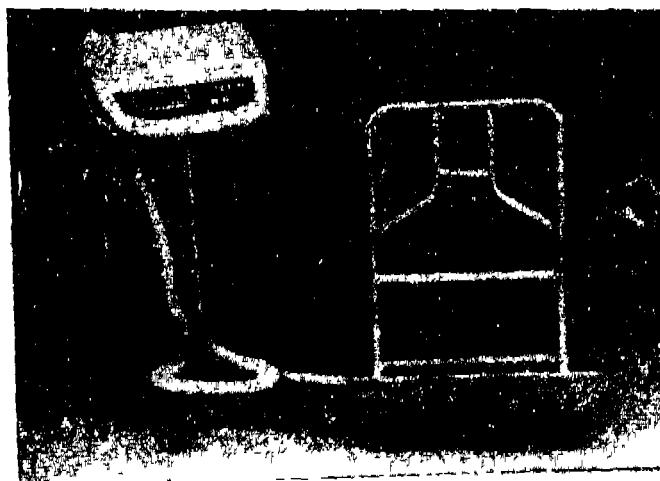
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S.O. 488.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic, weighing instrument (Platform type) with digital indication (herein after referred to as the model) of "EE" series belonging to medium accuracy class (accuracy class III) and with brand name "ELITE", manufactured by M/s. Elite Electronics, Opposite Patel Wadi, Shivaji Nagar, Savarkundla, -364 515, Gujarat and which is assigned the approval mark IND/09/00/220;

The model is a non-automatic weighing instrument of platform type with digital indication of maximum capacity of 30 kg, minimum capacity 100 g and belonging to medium accuracy class (accuracy class III). The value of verification scale interval (e) is 5g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1,2 and 5 series manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. W.M.-21(62)/99]

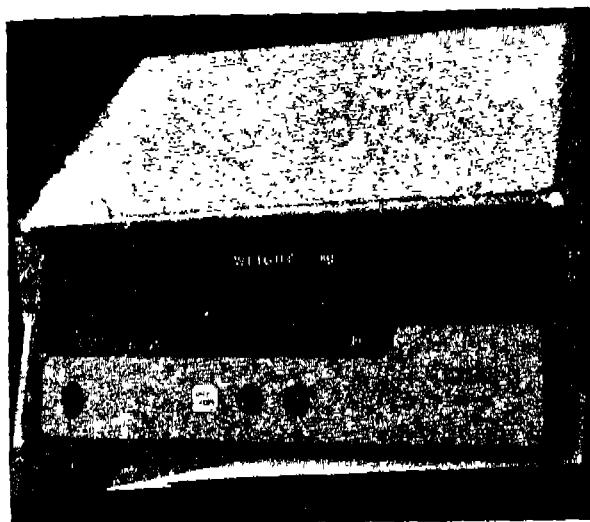
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 26 फरवरी, 2001.

का. आ. 489.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि संगतार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस ए ई इलैक्ट्रोनिक्स प्राइवेट लिमिटेड, सं. 377 छठा मोड़, निलसन गार्डन, बंगलौर-560027 द्वारा विनिर्भृत मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "डी एस 498" शृंखला के अंकीय सूचन सहित, अस्वचालित, तोलन उपकरण (मेजलल प्रकार) के माडल का, जिसके बांड का भाग "एस ए ई" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/00/214 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अंकीय सूचन सहित अस्वचालित मेजलल प्रकार का तोलन उपकरण है जिसकी अधिकतम क्षमता 6 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान (ई) मान 1 ग्राम है। प्रदर्श इकाई निर्णात फलोरेस्टेंट प्रदर्श प्रकार की है। उपकरण 230 बोल्ट और 50 हर्टज प्रत्यावर्ती धारा विषुव प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन आले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान के अन्तराल (एन) की संख्या "ई" मान के 5 ग्राम या अधिक के लिए 100 से 10,000 तक 100 मिली ग्राम से 2 ग्राम के लिए "ई" मान 100 से 10,000 और 5 ग्राम या अधिक के लिए "ई" मान 500 से 10,000 की रेंज के साथ जिनका "ई" मान 1×0 के, 2×10 के और 5×10 के हैं जिसमें के अनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(74)/99]

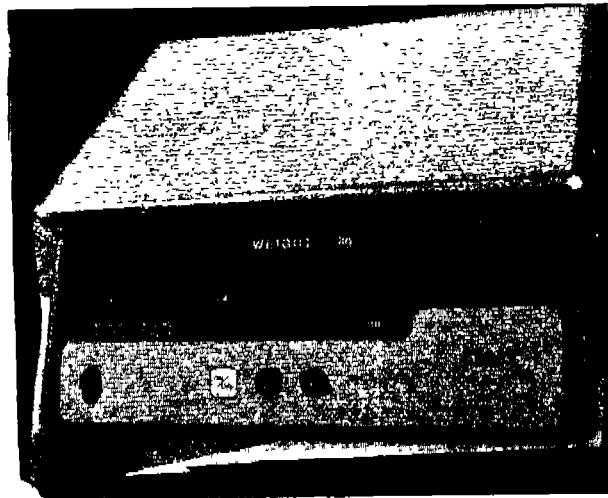
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th February, 2001

S.O 489.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic, weighing instrument (Table Top type) with digital indication of 'DS 498' series belonging to Medium accuracy class (accuracy class III) and with brand name "ESSAE" (hereinafter referred to as the Model) manufactured by M/s. Essae Electronics, Private Limited, No. 377, 6th Cross, Wilson Garden, Bangalore-560027 and which is assigned the approval mark IND/09/03/214;

The Model is a non-automatic weighing instrument of table top type with digital indication of maximum capacity of 6 kg, minimum capacity 20 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 1 g. The display unit is of vacuum fluorescent display. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale internal (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g. and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g or more with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a negative or positive whole number or zero manufacturer by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. W.M.-21(74)/99]

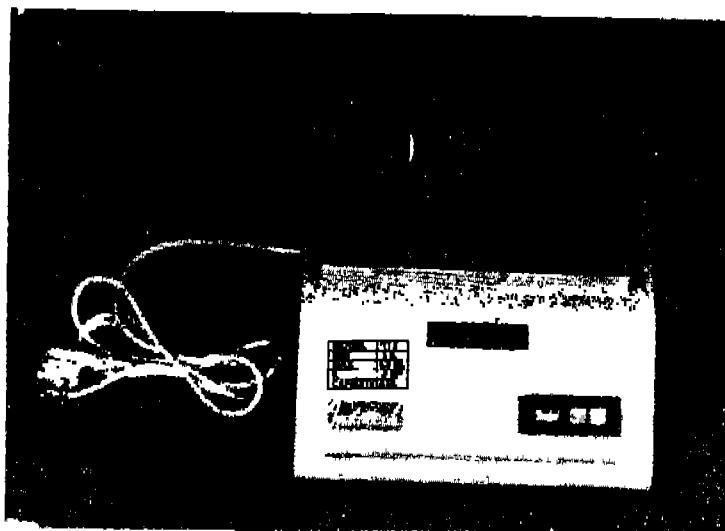
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 490.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में बांग्ना माडल (आकृति भीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंडोटेक इलेक्ट्रॉनिक्स बेंग सिस्टम, ए-87, वजीरपुर इंडस्ट्रियल एरिया, नई दिल्ली-52 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "आई टी टी" शृंखला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के माडल का, जिसके नाम "इंडोटेक" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/00/221 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अस्वचालित अंकक सूचन सहित टेबल टाप प्रकार का तोलन उपकरण है इसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान (ई) मान 5 ग्राम है। प्रकाश इकाई प्रकाश उत्तरांक डायोड की है। उपकरण 230 वोल्ट और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलो ग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. से 2 ग्राम "ई" मान के लिए 100 से 10,000 और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम से अधिक "ई" मान के लिए 500 से 10,000 है तथा जिनका "ई" मान 1×10 के, 2×10 के और 5×10 के हैं जिसमें के घनात्मक या शृंखलात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(23)/99]

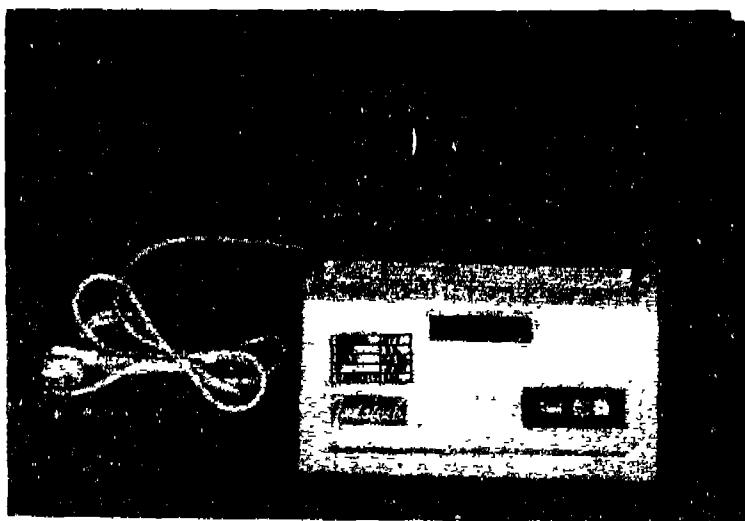
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S.O. 490.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic, weighing instrument (Table Top type) with digital indication (hereinafter referred to as the model) of 'ITT' series belonging to Medium accuracy class (accuracy class III) and with brand name "INDOTECH", manufactured by M/s. Indotech Electronics, Weighing System, A-87, Wazirpur Industrial Area, New Delhi-52 and which is assigned the approval mark IND/09/00/221;

The Model is a non-automatic weighing instrument of table top type with digital indication of maximum capacity of 30 kg, minimum capacity 100 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 5 g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value 5 g or more and with 'e' value of 1, 2 and 5 series manufactured by the same manufacturer in accordance with the same principal, design and with the same materials which the approved model has been manufactured.

[F. No. W.M.-21(23)/99]

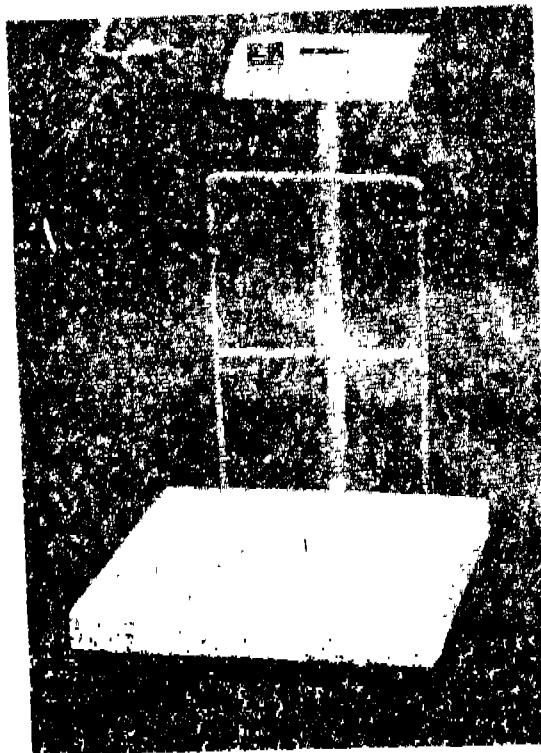
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 491.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि संगतात्र प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंडोटेक इलेक्ट्रॉनिक वेईगा सिस्टम, ए-87, जीरुर इंडस्ट्रियल एरिया, नई दिल्ली-52 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "आई टी पी" शून्खला के अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके बांड का नाम "इंडोटेक" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/00/222 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अस्वचालित अंकक सूचन सहित प्लेटफार्म प्रकार का तोलन उपकरण है इसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। मत्यापन मापमान (ई) का मान 10 ग्राम है। प्रकाश इकाई प्रकाश उत्सर्जक डायोड की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शून्खला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. से 2 ग्राम "ई" मान के लिए 100 से 10,000 और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक "ई" मान के लिए 500 से 100,000 है तथा जिनका "ई" मान 1×10^8 , 2×10^8 और 5×10^8 है जिसमें के अनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(23)/99]

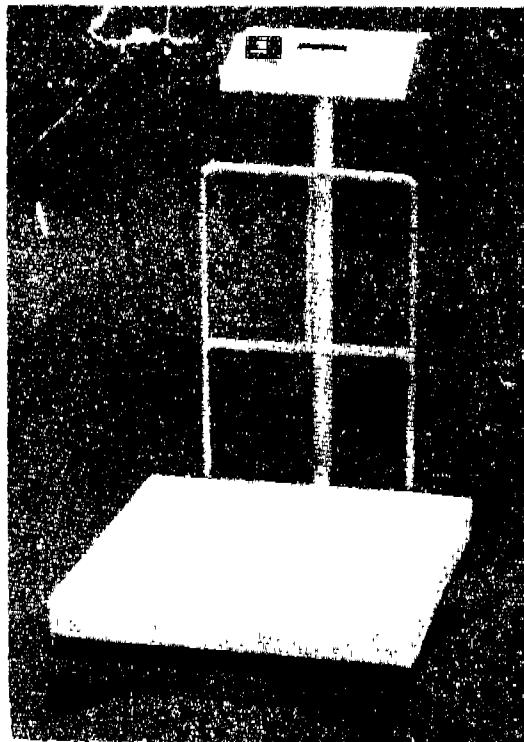
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S.O. 491 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic, weighing instrument (Platform type) with digital indication (here in after referred to as the model) of 'ITP' series belonging to Medium accuracy class (accuracy class III) and with brand name "INDOTECH", manufactured by M/s. Indotech Electronic, Weighing System, A-87, Wazirpur Industrial Area, New Delhi-52 and which is assigned the approval mark IND/09/00/222;

The Model is a non-automatic weighing instrument of platform type with digital indication of maximum capacity 100 kg, minimum capacity 200 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 10g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale internal (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g and with number of verification scale interval (n) in the range 500 to 10000 for 'e' value of 5 g or more and with 'e' value of 1, 2 and 5 series manufactured by the same manufacturer in accordance with the same principal, design and with the same materials which the approved model has been manufactured.

[F. No. W.M.-21(23)/99]

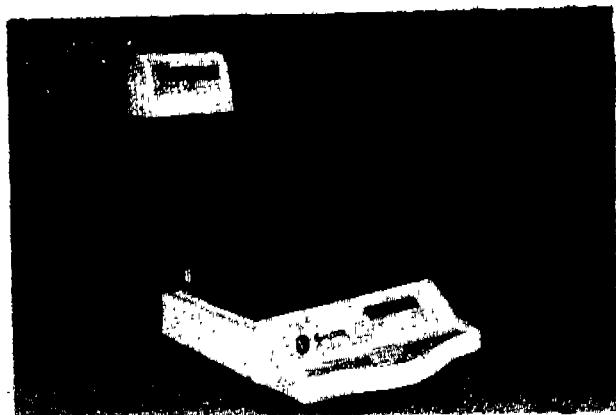
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 492.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपर्युक्तों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेंगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्विससर इंस्ट्रूमेंट, बी-29, गोपाल नगर, गांधी नगर-382424 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "एस डब्ल्यू आई" शृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण (मेजतल प्रकार) के माडल का, जिसके ब्रांच का नाम "स्विससर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/126 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित, अस्वचालित तोलन उपकरण (मेजतल प्रकार) का है, जिसकी अधिकतम क्षमता 22 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्पापन मापमान अन्तराल (ई) मान 2 ग्राम है। प्रदर्श इकाई प्रकाश उत्तर्जक डायोड (एल.ई.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्पापन मापमान अन्तराल (एन) की अधिकतम संख्या 1,00,000 से कम या उसके बराबर है। (एन $\leq 1,00,000$) तथा जिसका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के घनात्मक या छृणात्मक पूर्णक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(42)/99]

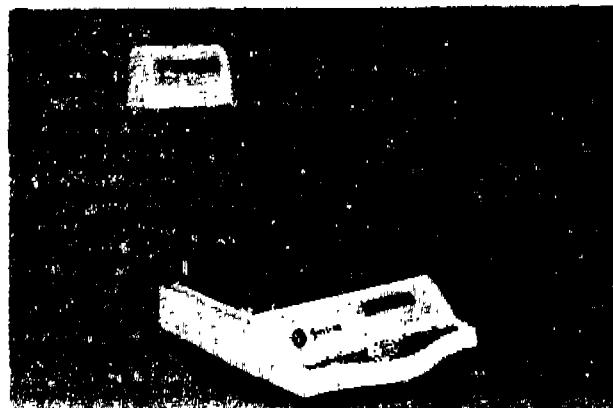
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S.O. 492.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic, weighing instrument (table top type) with digital indication (hereinafter referred to as the model) of 'SWI' series belonging to High accuracy class (accuracy class II) and with brand name "SWISSER", manufactured by M/s. Swisser Instruments, B-29, Gopalnagar, Gandhinagar-382 424 Gujarat and which is assigned the approval mark IND/09/00/126;

The said Model is a non-automatic weighing instrument (table top type) with digital indication of maximum capacity 22 kg, minimum capacity 100 g and belonging to High accuracy class (accuracy class II). The value of verification scale interval (e) is 2g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with maximum number of verification scale internal (n) less than or equal to 1,00,000 ($n \leq 1,00,000$) and with 'e' value to 1×10^k , 2×10^k to and 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principal, design and with the same materials which the approved model has been manufactured.

[F. No. W.M.-21(42)/99]

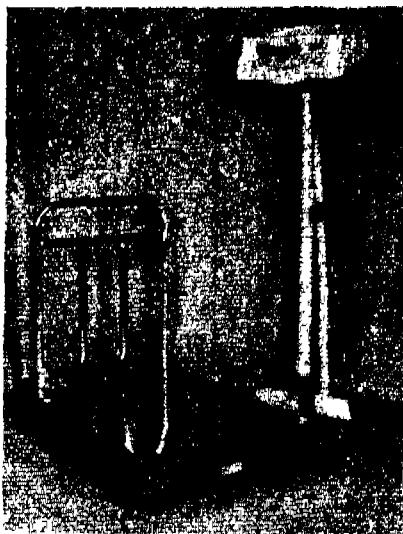
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 493.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और परिवर्तित परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्विससर इंस्ट्रमेंट्स, बी-29, गोपाल नगर, गांधी नगर-382424 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एस डब्ल्यू आई पी" शृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "स्विससर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/00/127 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) का अंकीय सूचन सहित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है, जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 5 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (प्र.ज.डा.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला वाले उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है। (एन $\leq 10,000$ तथा जिसका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(42)/99]

पा० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S. O. 493.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Platform type) with digital indication (hereinafter referred to as the model) of 'SWIP' series belonging to Medium accuracy class (accuracy class III) and with brand name "SWISSER", manufactured by M/s. Swisser Instruments, B-29, Gopalganj, Gandhinagar-382424 Gujarat and which is assigned the approval mark IND/09/00/127;

The said Model is a non-automatic weighing instrument (Platform type) with digital indication of maximum capacity 30 kg, minimum capacity 100 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 5g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with maximum number of verification scale interval (n) less than or equal to 1,000 ($n \leq 10,000$) and with 'e' value to 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. W.M.-21(42)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 494.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) आट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रागी इलेक्ट्रोनिक्स, 19/27, 12 थां क्रास, न्यू थिल्साई नगर उत्तर, पी एन पुडुर (डाकघर) कोयम्बटूर-641041 द्वारा विनिर्मित मध्यम यथार्थता वारा (यथार्थता वर्ग III) वाले “डी डब्ल्यू टी” शृंखला के अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल जिसका ब्रांड का नाम “डिजी वे” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2000/146 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) का अस्वचालित तोलन उपकरण है, जिसकी अधिकतम क्षमता 15 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 5 ग्राम है। इसमें एक आदेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनाम्बक धारित आदेयतुलन प्रभाव है भारप्राही आयताकार है जिसकी भुजाएं 190×250 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है। (एन $\leq 10,000$ तथा जिसका “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

[पांच सं० डब्ल्यू० एम०-21(64)/2000]

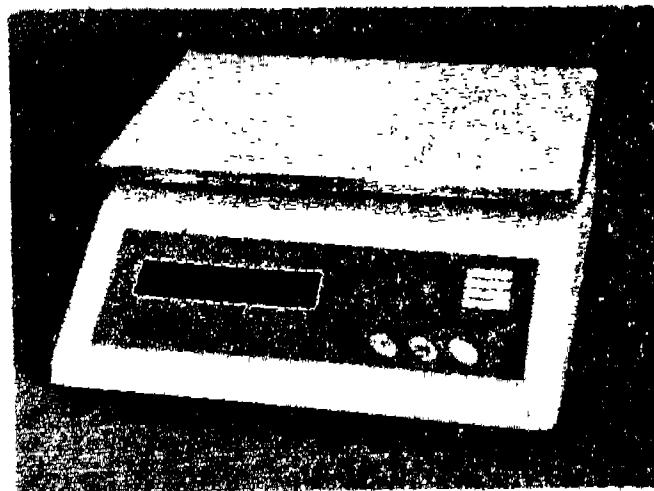
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S. O. 494 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic, weighing instrument (Table top type) belonging to Medium accuracy (accuracy class III) of "DWT" series with brand name "DIGI WEIGH", (herein referred to as the model) manufactured by M/s. Pragi Electronics, 19/27, 12th Cross, New Thillai Nagar North, P. N. Pudur (P.O.), Coimbatore-641041 and which is assigned the approval mark IND/09/2000/146;

The said Model (the figure given) is a non-autonomous weighing instrument (Table top type). The maximum capacity is 15 kg, minimum capacity 100 g. The value of verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 190 × 250 mm. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with number of verification scale division (n) less than or equal to 10,000 ($n \leq 10,000$) and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(64)/2000]

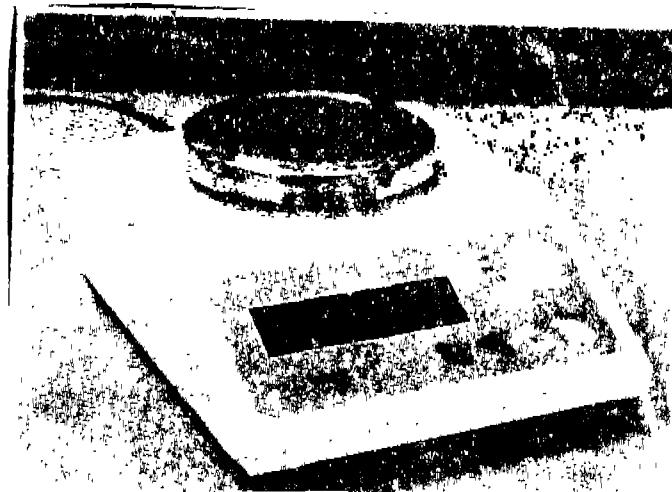
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 495.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर प्रागी इलेक्ट्रॉनिक्स, 19/27, 12 बां क्रास, न्यू थिल्साई नगर उत्तर, पी एन पुड्डर (डाकघर) कोम्प्लॉक्स-641041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग II) वाले "डी डब्ल्यू टी एच" शृंखला के अस्वाचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल जिसका ग्रांड का नाम "डिजी बी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) जिसे अनुमोदन विह आई एन डी/09/2000/147 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल (आकृति दी गई है) अस्वाचालित तोलन उपकरण (टेबल टॉप प्रकार) का है, जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्पापन मापमान अन्तराल (ई) मान 1 ग्राम है। इसमें एक आद्ययतुलन युक्ति है जिसका शत-प्रतिशत व्यक्लनात्मक धारित आद्ययतुलन प्रभाव है भारग्राही आयताकार है जिसकी भुजाएं 190×250 मि.मी. हैं। प्रकाश उत्पर्जक छायांड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेंक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्पापन मापमान अन्तराल (एन) की संख्या 1,00,000 से कम या उसके बराबर है। (एन $\leq 1,00,000$ तथा जिसका "ई" मान 1×10^8 , 2×10^8 और 5×10^8 है जहां के घनात्मक या घणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० मं० डब्ल्यू० एम०-21(64)/2000]

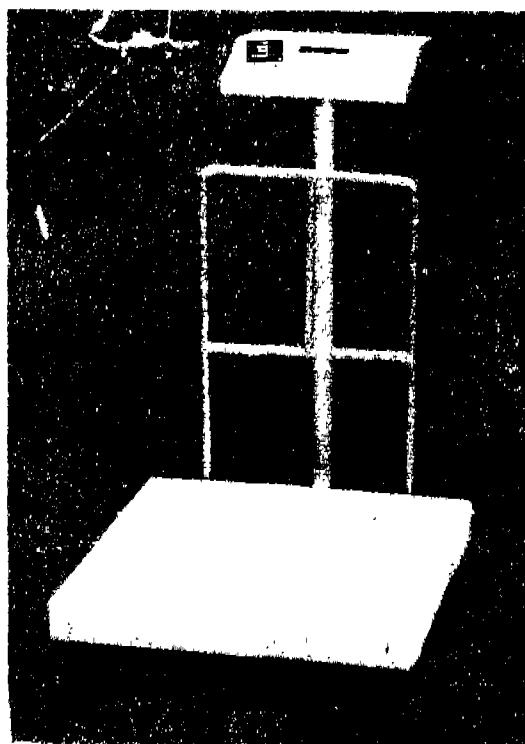
पी० ग० फृष्णामर्ति, निदेशक, विभिन्न माप विज्ञान

New Delhi, the 27th February, 2001

S.O. 491.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic, weighing instrument (Platform type) with digital indication (here in after referred to as the model) of 'ITP' series belonging to Medium accuracy class (accuracy class III) and with brand name "INDOTECH", manufactured by M/s. Indotech Electronic, Weighing System, A-87, Wazirpur Industrial Area, New Delhi-52 and which is assigned the approval mark IND/09/00/222;

The Model is a non-automatic weighing instrument of platform type with digital indication of maximum capacity 100 kg, minimum capacity 200 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 10g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with number of verification scale internal (n) in the range 100 to 10,000 for 'e' value 100 mg to 2 g and with number of verification scale interval (n) in the range 500 to 10000 for 'e' value of 5 g or more and with 'e' value of 1, 2 and 5 series manufactured by the same manufacturer in accordance with the same principal, design and with the same materials which the approved model has been manufactured.

[F. No. W.M.-21(23)/99]

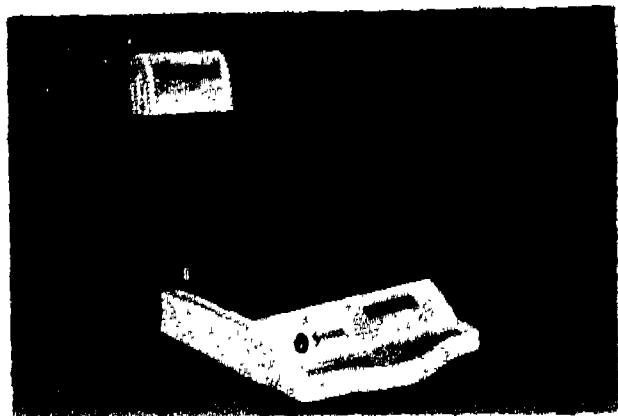
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 492.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (भीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस आंत की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेंगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्विससर हंस्टूर्मेंट, बी-29, गोपाल नगर, गांधी नगर-382424 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "एस डब्ल्यू आई" शृंखला के अंकीय सूचन सहित अस्वचालित तोलन उपकरण (मेजलल प्रकार) के माडल का, जिसके ब्रांड का नाम "स्विससर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/00/126 दिया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह माडल उच्च यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित, अस्वचालित तोलन उपकरण (मेजलल प्रकार) का है, जिसकी अधिकतम क्षमता 22 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 2 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विषुव प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन काले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 1,00,000 से कम या उसके बराबर है। (एन $\leq 1,00,000$) तथा जिसका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के घनात्मक या ग्रहणात्मक पूर्णक या शून्य के समतुल्य है।

[प्रगति सं. ८० सं. ८० डब्ल्यू० ८०-२१(42)/99]

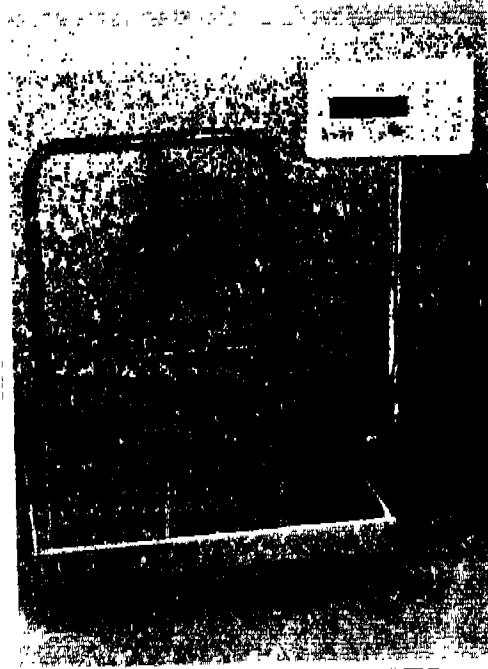
पौ.० ए.० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S. O.496 —Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic, weighing instrument (Platform type) belonging to Medium accuracy (accuracy class III) of "DWP" series with brand name "DIGI WEIGH", (herein referred to as the model) manufactured by M/s. Pragi Electronics, 19/27, 12th Cross, New Thillai Nagar North, P. N. Pudur (P.O.), Coimbatore-641041 and which is assigned the approval mark IND/09/2000/148;

The said Model (the figure given) is a non-autonomatic weighing instrument (Platform type). The maximum capacity is 50 kg, and minimum capacity 200 g. The value of verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of side 400 × 400 mm. The light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply:



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5000 kg with number of verification scale division (n) less than or equal to 1,00,000 ($n \leq 1,00,000$) and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same Principle design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(64)/2000]

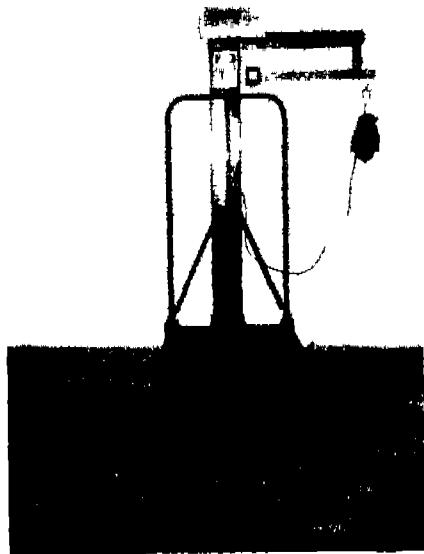
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 497.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस आत की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्रागी इलेक्ट्रोनिक्स, 19/27, 12 बां क्रास, न्यू पिल्लाई नगर उत्तर, पी एन पुहुर (डाकघर) कोम्प्लॉक्स-641041 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “डी डब्ल्यू सी” श्रृंखला के अस्वचालित तोलन उपकरण (प्लेटफार्म के स्थान पर संपरिवर्तन किट) के मॉडल जिसका ब्रांड का नाम “डिजी बी” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2000/149 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) अस्वचालित तोलन उपकरण (प्लेटफार्म के लिए संपरिवर्तनीय किट) का है, जिसकी अधिकतम क्षमता 300 किलोग्राम और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अन्तराल (ई) मान 100 ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिगत धारित आद्येयतुलन प्रभाव है भारप्राही आपत्ताकार है जिसकी भुजाएं 630×440 मि.मी. है। प्रकाश उत्पर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन धाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5000 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या $10,000$ से कम या उसके बराबर है। (एन $\leq 10,000$) तथा जिसका “ई” मान 1×10^8 , 2×10^8 और 5×10^8 है जहाँ के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. ८० डब्ल्यू० एम०-२१(64)/2000]

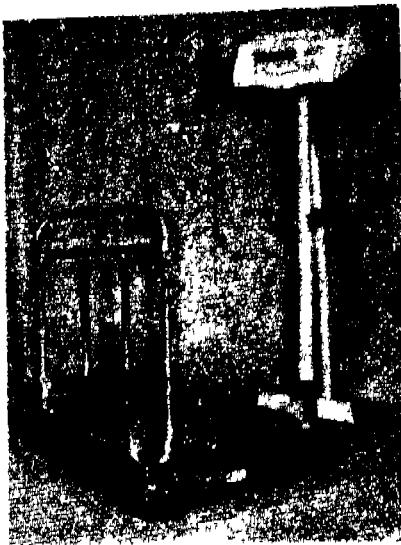
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 27th February, 2001

S. O. 493.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Platform type) with digital indication (hereinafter referred to as the model) of 'SWIP' series belonging to Medium accuracy class (accuracy class III) and with brand name "SWISSER", manufactured by M/s. Swisser Instruments, B-29, Gopainagar, Gandhinagar-382424 Gujarat and which is assigned the approval mark IND/09/00/127;

The said Model is a non-automatic weighing instrument (Platform type) with digital indication of maximum capacity 30 kg, minimum capacity 100 g and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 5g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 5 tonne and with maximum number of verification scale interval (n) less than or equal to 1,0,000 ($n \leq 10,000$) and with 'e' value to 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F. No. W.M.-21(42)/99]

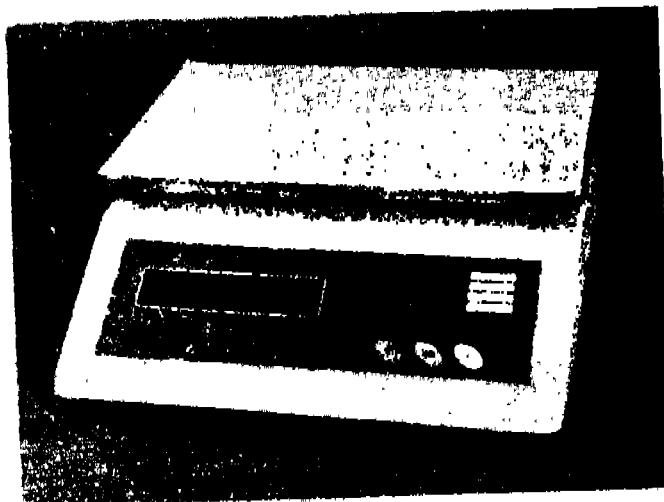
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 27 फरवरी, 2001

का. आ. 494.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रसुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और भाष मानक अधिनियम, 1976 (1976 का 60) और बाट और भाष मानक (माडलों का अनुमोदन) विधम, 1987 के उपर्यांतों के अनुसूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स प्राणी इलेक्ट्रॉनिक्स, 19/27, 12 वां क्रास, न्यू दिल्ली ६ नगर उत्तर, पी एन पुष्पर (डाकघर) कोयम्बटूर-641041 द्वारा विनिर्मित मध्यम यथार्थता वार्ता (यथार्थता वर्ग III) वाले “डी डब्ल्यू टी” शृंखला के अस्वाचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल जिसका आंड का नाम “डिजी बी” है (जिसे इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/146 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह माडल (आकृति दी गई है) अस्वाचालित तोलन उपकरण (टेबल टॉप प्रकार) का अस्वाचालित तोलन उपकरण है, जिसकी अधिकतम क्षमता 15 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) मात्र 5 ग्राम है। इसमें एक आद्येतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिमात्रक धारित आद्येतुलन प्रभाव है भारग्राही आवधाकार है जिसकी भुजाएं 190×250 मि.मी. हैं। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्याकर्ता धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 10,000 से कम या उसके बराबर है। (एन $\leq 10,000$ तथा जिसका “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[ग्रा. स. उच्चत्व. एम-21(64)/2000]

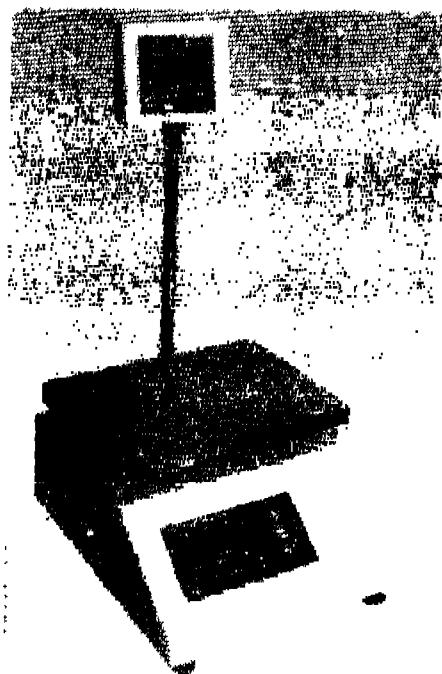
पी० ५० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 498.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self indicating, non-automatic, (Table top type) weighing instrument with digital indication of "WT" series of high accuracy (accuracy class II) and with brand name "WEIGH TECH INDIA", (hereinafter referred to as the model), manufactured by M/s. Weigh tech (India), 1496/13, Phulpura, Opp. Charhuja Kirana Store, Old Madhupura, Ahmedabad-4 and which is assigned the approval mark IND/09/2000/255;

The said Model (figure given) is a weighing instrument with a maximum capacity of 22 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 1,00,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5000 to 1,00,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M.-21(26)/2000]

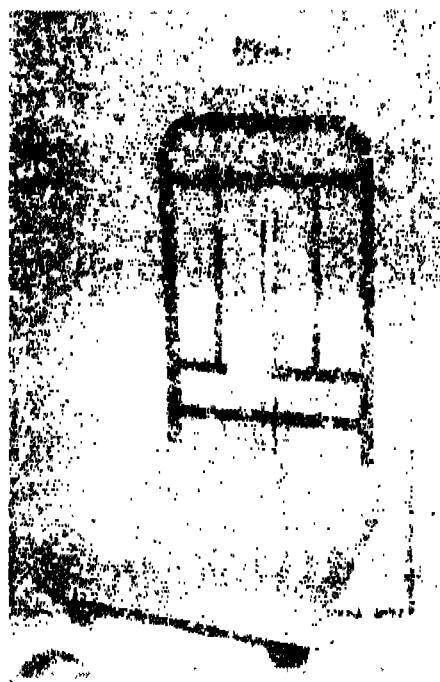
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई निल्ती, 1 मार्च, 2001

का. आ. 499.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में व्यर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपरांभों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स बेटेक (इंडिया), 1496/13, फूलपुरा, चारभुज किराना रोड के सामने, मुराना भाधूपुरा, अहमदाबाद-4 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग III) वाले “डब्ल्यू.टी.” शृंखला के स्वतः सूचक अरक्षालित, अंकक सूचन सहित (प्लेटफार्म प्रकार) के तोलन उपकरण के मॉडल का जिसका ब्रांड का नाम “बेटेक (इंडिया)” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/256 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) का एक तोलन उपकरण है, जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन भापमान (ई) का मान 5 ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शान्त-प्रतिशत व्यक्तिनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्पर्जक डब्ल्यू.टी. परिणाम उपर्युक्त करता है। उपकरण 230 ब्रॉड और 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रवाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेंक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, और उसी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है, और 5 ग्राम या इसमें अधिक के “ई” मान के लिए, जिनके सत्यापन अन्तर्गत (एन) की अधिकतम संख्या 500 से 10,000 है तथा जिनका “ई” मान 1×10^6 , 2×10^6 और 5×10^6 है जिसमें के धनात्मक या ऋणात्मक पूर्णक या शून्य के समानुल्य है।

[फा० सं० डब्ल्यू० ए०-२१(२६)/२०००]

पी० ए० कृष्णमूर्ति, निदेशक, श्रिधिक माप विज्ञान

New Delhi, the 1st. March, 2001

S. O. 499.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "WT" series of medium accuracy (accuracy class III) and with brand name "WEIGH TECH INDIA", (hereinafter referred to as the model), manufactured by M/s. Weightech (India), 1496/13, Phulpura, Opp. Charbhuj Kirana Store, Old Madhupura, Ahmedabad-4 and which is assigned the approval mark IND/09/2000/256;

The said Model (figure given) is a weighing instrument with a maximum capacity of 30 kg, and minimum capacity of 100 g. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained effect. The light emitting diode display indicates the weighing result type. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with number of verification scale interval(n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(26)/2000]

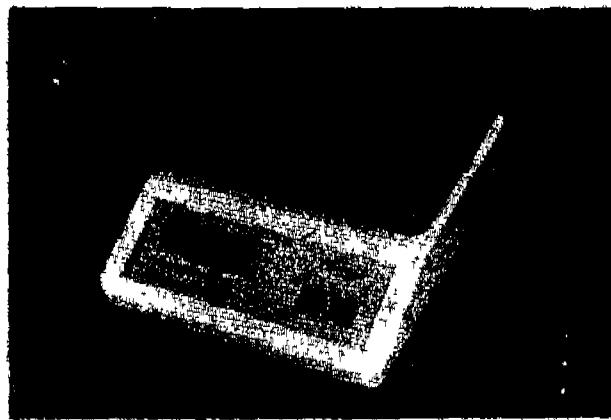
P. A. KRISHNAMOORTHY, Director, Legal Metrology

गृह दिल्ली, 1 मार्च, 2001

का. आ. 500.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योग के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसस एक्सपर्ट एंटरप्राइज, ई/126-जी आई डी सी, इलेक्ट्रोनिक एस्टेट, सैकटर-26, गांधी नगर-382044 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "ए एक्स पी" शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल जिसके ब्रांड का नाम "एक्सपर्ट" है (जिसे इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2000/231 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) तोलन उपकरण है, जिसकी अधिकतम क्षमता 20 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिगत धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या की 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 1,00,000 की श्रेणी में और सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. या अधिक "ई" मान के लिए 5000 से 1,00,000 की श्रेणी में है तथा जिनका "ई" मान 1×10^8 , 2×10^8 और 5×10^8 है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(51)/2000]

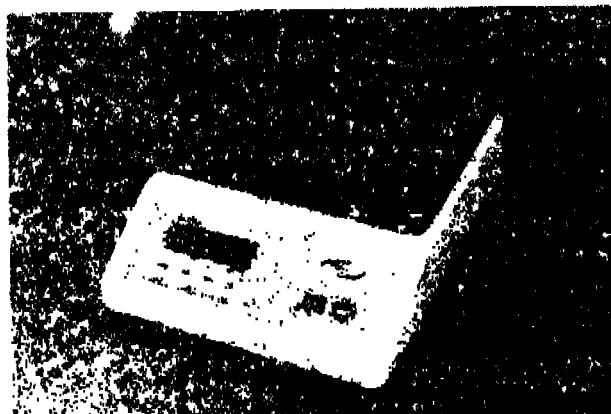
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 500.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self indicating, non-automatic, (Table top type) weighing instrument with digital indication of "AXP" series of high accuracy class (accuracy class II) and with brand name "AXPERT", (hereinafter referred to as the model), manufactured by M/s. Axpert Enterprise, E/126 G.I.D.C., Electronics Estate, Sector 26, Gandhi Nagar-382044 and which is assigned the approval mark IND/09/2000/231;

The said Model (figure given) is a weighing instrument with a maximum capacity of 20 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, and 50 Hertz alternate current power supply.



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of same series with having maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 1,00,000 for 'e' value of 1 mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 1,00,000 for 'e' value of 100 mg or more and with 'C' value of 1×10^0 , 2×10^0 , 5×10^0 k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M -21(51)/2000]

P A KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 501.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रभुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम 1987 के उपर्योग के अनुरूप हैं और हम बात की सभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्सपर्ट एंटरप्राइज, ई/126-जी आई डी सी, इलेक्ट्रोनिक एस्टेट, मैक्टर-26, गांधी नगर-382044 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) याले “ए एक्स” शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ड्राइंड का नाम “एक्सपर्ट” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन निहाई आई एन डी/09/2000/232 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

‘यह मॉडल (आकृति देखें) तोलन उपकरण है, जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनामक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्योग करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उभी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. “ई” मान के लिए 100 से 10000 की श्रेणी में और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक “ई” मान के लिए 500 से 10,000 की श्रेणी में है तथा जिनका “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के घनातक या ग्रहणात्मक पूर्णक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(51)/2000]

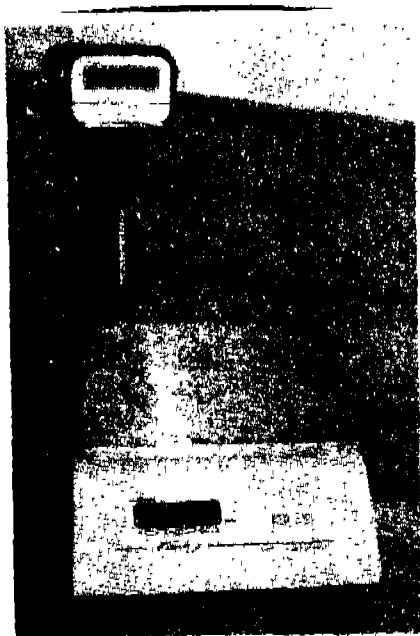
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 501.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self indicating, non-automatic, (Table top type) weighing instrument with digital indication of "AX" series of medium accuracy (accuracy class III) and with brand name "AXPERT", (hereinafter referred to as the model), manufactured by M/s Axpert Enterprise, E/126 G.I.D.C., Electronics Estate, Sector-26, Gandhi Nagar-382044 and which is assigned the approval mark IND/09/2000/232;

The said Model (figure given) is a weighing instrument with a maximum capacity of 10 kg, minimum capacity of 40 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained effect tare. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(51)/2000]

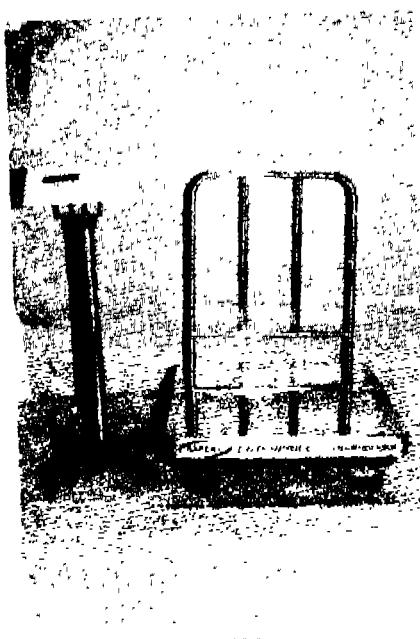
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 502.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एक्सपर्ट एंटरप्राईज, ई/126-जी आई डी सी, इलेक्ट्रोनिक एस्टेट, सैकटर-26, गांधी नगर-382044 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “ए एक्स पी-100” शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचम सहित तोलन उपकरण (स्लेटफार्म प्रकार) के मॉडल, का जिसके ब्रांड का नाम “एक्सपर्ट” है (जिसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन यिह आई एन डी/09/2000/233 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) तोलन उपकरण है, जिसकी अधिकतम क्षमता 100 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। सत्त्वापन मापमान (ई) का मान 10 ग्राम है। इसमें एक आघयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्लनात्मक धारित आघयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे, जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्त्वापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. “ई” मान के लिए 100 से 10,000 की श्रेणी में और सत्त्वापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक “ई” मान के लिए 500 से 10,000 की श्रेणी में है तथा जिनका “ई” मान 1×10^8 , 2×10^8 और 5×10^8 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(51)/2000]

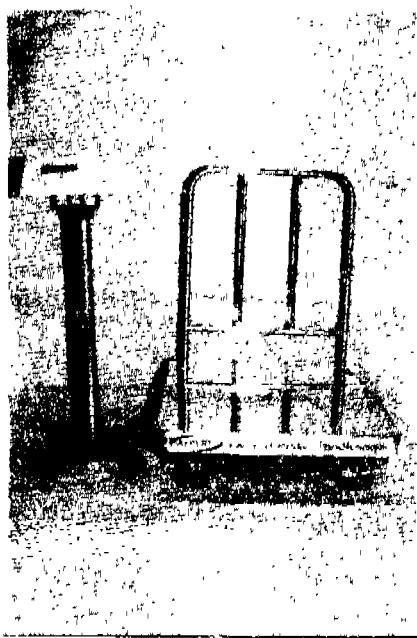
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 502.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self indicating, non-automatic, (Platform type) weighing instrument with digital indication of "AXP-100" series of medium accuracy (Accuracy class III) and with brand name "AXPERT", (hereinafter referred to as the model), manufactured by M/s. Axpert Enterprise, E/126 G.I.D.C., Electronics Estate, Sector-26, Gandhi Nagar-382044 and which is assigned the approval mark IND/09/2000/233,

The said Model (figure given) is a weighing instrument with a maximum capacity of 100 kg, minimum capacity 20 kg and minimum capacity of 200 g. The verification scale interval (e) is 10 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, and 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval(n) in the range of 100 to 10,000 for 'c' value of 100 mg to 2g with number of verification scale interval(n) in the range of 500 to 10,000 for 'c' value of 5 g or more and with 'e' value 1×10^k , 2×10^k , 5×10^k k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(51)/2000]

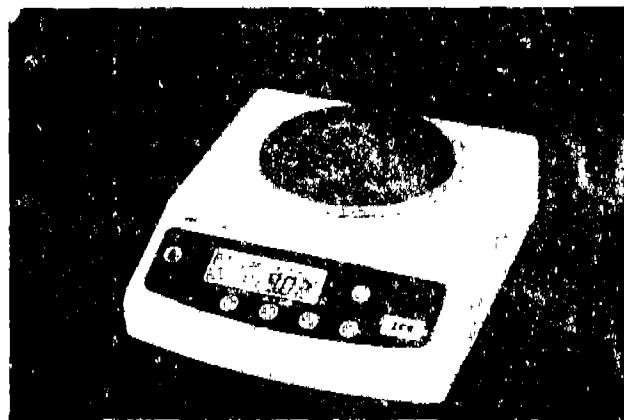
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 503.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में अण्ठित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बाट की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एल सी एस कंट्रोल्स प्राइवेट लिमिटेड, सं. 12 ईस्ट रोड, पश्चिम सी आई टी नगर, चेन्नई-600035 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “ए डब्ल्यू जे एस” शृंखला के अंकीय सूचन सहित अस्वचालित, तोलन उपकरण (मेजतल प्रकार) के मॉडल का जिसके (इसमें इसके पश्चात माडल कहा गया है) जिसकी ब्रांड का नाम “एल सी एस” है और जिसे अनुमोदन विहार आई एन डी/09/2000/211 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (नीचे दी गई आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग II) का अंकीय सूचन सहित अस्वचालित मेजतल प्रकार का तोलन उपकरण है और जिसकी अधिकतम क्षमता 300 ग्राम और न्यूनतम क्षमता 200 मिली ग्राम है। सत्यापन मापमान (ई) का मान 10 मिली ग्राम है। प्रदर्श इकाई प्रकाश क्रिस्टल डायोड प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रस्थावर्ती धारा विद्युत प्रदाय पर कार्य करती है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी में, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 किलोग्राम तक है और जिनका विनिर्माण उसी विनिर्माण द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या से सहित 1 मि. ग्रा. से 50 मि. ग्रा. के लिए “ई” मान 100 से 10,00,00 की रेंज में और सत्यापन मापमान अंतराल (एन) की संख्या से सहित 100 मि. ग्रा. या अधिक के लिए “ई” मान 5000 से 10,00,00 की रेंज में है तथा सहित “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(60)/99]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 503.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication (hereinafter referred to as the model of "AWJS" series belonging to High accuracy class (accuracy class II) and with brand name "LCS", manufactured by M/s. LCS Controls Private Limited, No. 12, East Road, West CIT Nagar, Chennai-600035 and which is assigned the approval mark IND/09/2000/211;

The said Model (See the figure given below) is a non-automatic weighing instrument of table top type with digital indication of maximum capacity 300 g, minimum capacity 200 mg and belonging to high accuracy class (accuracy class II). The value of verification scale interval (e) is 10 mg. The display unit is of light crystal diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with maximum number of verification scale interval(n) in the range of 100 to 10,00,00 for 'c' value of 1 mg to 50 mg and with number of verification scale interval(n) in the range of 5000 to 10,00,00 for 'c' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k where k is a positive or negative whole number or zero, manufactured by the same manufacturer in accordance with the same principle design and with the same materials which, the approved model has been manufactured.

[F. No. W.M.-21(60)/99]

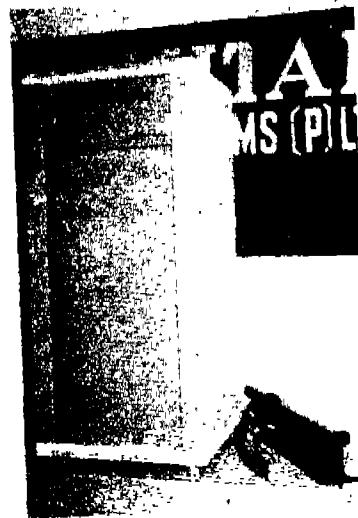
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 504.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपर्योगों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डिजिटल वेइंग सिस्टम्स (प्रा.) लि., जॉर्काव्हाल, लिंक रोड, विलासपुर-495001 द्वारा विनिर्मित यथार्थता वर्ग (यथार्थता वर्ग 1) के डिजिटाइजर डी एम 320 वाले “एम डब्ल्यू 2100” शृंखला के गतिमान भार मापने के लिए स्थानान्तरिक रेल-वे ब्रिज के मॉडल का, जिसके ब्रांड का नाम “एम डब्ल्यू 2100” है और जिसे अनुमोदन विहङ्ग आई एन डी/13/2000/251 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल यथार्थता वर्ग 1 तोलन उपकरण है, जिसकी अधिकतम क्षमता 100 टन और न्यूनतम क्षमता 400 कि. ग्राम है। सात्यापन मापमान (ई) का अन्तर 20 कि. ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आद्येयतुलन प्रभाव है। तोलन क्षेत्र चौबूतरा 3.6 मीटर है। तोलन गति 1 कि. मी. से 20 कि. मी. प्रति घण्टा है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। भारग्राही आयताकार खंड का है जिसकी भुजाएं 360×450 मि.मी. हैं। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदायर्पर कार्य करता है;



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 25 से 100 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनका “ई” मान 1×10^8 , 2×10^8 और 5×10^8 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(84)/97]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 504.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the automatic rail-weigh bridge for in motion weighing of MW-2100 series with digitizer DS320 of class I accuracy with brand name "MW-2100", manufactured by M/s. Digital Weighing Systems (P) Ltd., Jacobchall, Link Road, Bilaspur-495001 and which is assigned the approval mark IND/13/2000/251;

The Model is a class I accuracy weighing instrument with a maximum capacity of 100 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20 kg. It has a tare device with 100 percent subtractive retained tare effect. The length of weighing zone platform is 3.6 m. The weighing speed is from 1 km to 20 km/hr. The light emission diode indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternate current power supply;



And Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of same make, and accuracy class with maximum capacity of from 25 to 100 tonne and with 'e' value of 1×10^k , 2×10^k , and 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principal design and with the same materials with which the approved model has been manufactured.

[F. No. W.M -21(84)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 505.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और भाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस आत की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अपोलो स्केल मैन्युफैक्चरिंग थर्म, 63, इन्डप्रस्थ पार्क सोसायटी, गैलेक्सी सिनेमा के सामने, राष्ट्रीय राजमार्ग-8, नडौदा, अहमदाबाद-382330 द्वारा विनिर्मित मध्यम यथार्थता धर्म (यथार्थता धर्म III) अस्वाधालित की तोलन मशीन (यांत्रिक तोलन सेतु) के मॉडल का (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/229 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

यह मॉडल तोलन उपकरण है जिसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्राम है। सत्यापन मापमान (ई) का मान 5 कि. ग्राम है:



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री में किया जाता है जिसमें अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) को संख्या 5 ग्रा. या अधिक "ई" मान के लिए 500 से 10,000 की श्रेणी में है तथा जिनका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के ममतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(88)/2000]

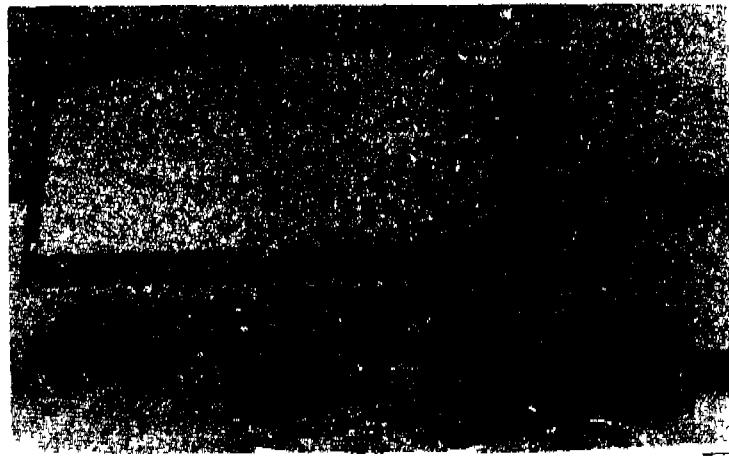
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 505.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the non-automatic weighing machine (mechanical Weighbridge) of medium (accuracy class III) (hereinafter referred to as the model), manufactured by M/s. Appolo Scale Manufacturing Works, 63, Indraprastha Park Society, Opp. Galaxy Cinema, N.H No.-8, Naroda, Ahmedabad-382330 and which is assigned the approval mark IND/09/2000/229,

The Model is a weighing instrument with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg;



Further, in exercise of the powers conferred by sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity of more than 5 tonne and with number of verification scale interval (n) in the range 500 to 10,000 for 'c' value of 5 g or more and 'e' value of 1×10^k , 2×10^k , 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

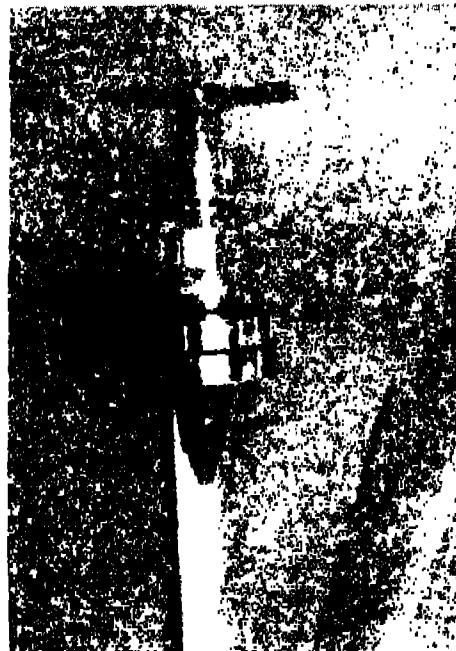
[F. No. WM -21(88)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 506.—केन्द्रीय सरकार का नेशनल ब्रेट्स एंड मेजर्स लंबोरेट्रो, डिपार्टमेंट ऑफ ट्रेड एंड इंडस्ट्रीज, मिडिलसेक्स, इंग्लैंड द्वारा मंजूर किए गए और अनुमोदित माडल का अनुमोदन और जांच परिणाम के साथ-साथ विहित प्राधिकारी द्वारा उसे प्रमुख रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपयोगों के अनुरूप है और इस बात की संभावना है कि न्यायालय प्रयोग की अवधियों में भी उक्त माडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिशेल एंड कूपर लि. क्रेमफील्ड रोड, अकफील्ड, ईस्ट मसेक्स टी एन 22 5ए वाई इंग्लैंड द्वारा विनिर्मित और जिसका भारत में विषयन मैसर्स शाहयुत्रा ट्रेडिंग (प्रा.) लि., 4/2 बी और सी कांता रेजीडेंसी 20 वीं "ए" मेन रोड, कोरामगला, 8 वीं ब्लाक, बंगलौर-560034 "लिक्विड मेजर आटोमेटिक" की व्यावत मॉडल के अनुमोदन का, जिसके ब्रांड का नाम "बोनजर" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन दी/07/2000/230 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;



यह मॉडल 30 मि. ली. की स्वचालित क्षमता में तरल तोलन है। यह मदिगा, स्पिरिट आदि भरने के लिए उपयोग की जाती है।

[फा० सं० डब्ल्यू० एम०-21(118)/2000]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S.O. 506.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval and test results, granted and approved by the National Weights and Measures Laboratory, Department of Trade and Industry, Middlesex, England is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model in respect of "Liquid measure Automatic" with brand name "BONZER" (herein referred to as model) manufactured by M/s. Mitchell and Cooper Ltd. Framfield Road, Uckfield, East Sussex TN 22 5AY England and marketed in India by M/s Shahaputra Trading (P) Ltd., 4/2 B & C Kanta Residency, 20th 'A' Main Road, Koramangala, 8th Block, Bangalore-560034 and which is assigned the approval of Model mark IND/07/2000/230:



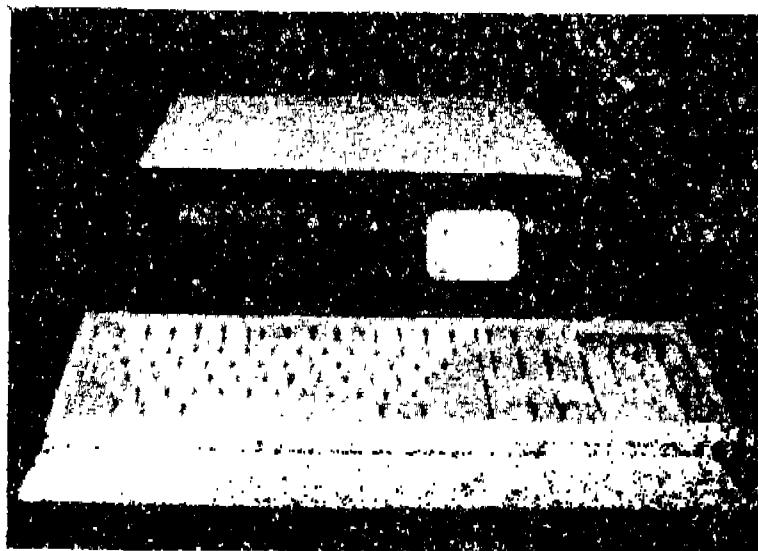
The Model is a Liquid measure in Automatic Capacity of 30 ml. It is used to fill wine, spirit etc.

नई दिल्ली, 1 मार्च, 2001

का. आ. 507.—केन्द्रीय सरकार का, शिहत प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभवता है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कानन वेइंग सिस्टंस, लाट सं. 59, इलेक्ट्रानिक काम्पलेक्स, परदेशपुरा, इन्डौर-452008 द्वारा विनिर्भीत मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "के डब्ल्यू एस" श्रृंखला के अंकीय सूचन सहित स्वतः सूचक, अस्थाचालित, इलेक्ट्रानिक तोलन उपकरण (यह भारत में प्रकार की तुला चौकी) के मॉडल का, जिसके ब्रांड का नाम "कानन" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एम डी/09/2000/216 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति दी गई) जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 कि. ग्राम का तोलन उपकरण है। सत्यापन मापमान (ई) का मान 5 कि.ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनामक धारित आद्येयतुलन प्रभाव है भारगाही आयताकार है, जिसकी भुजाएं 9×3 मी. हैं। प्रकाश उत्सर्जक द्वायों उपर्युक्त प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यायर्ती धारा विद्युत प्रदाय पर कार्य करती है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी मेंक, उसी अथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माण द्वारा उसी विनिर्माण और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्याक सहित 5 गा. या अधिक के लिए "ई" मान 500 से 10,000 की रेंज का है और मान 1, 2 और 5 श्रृंखला का है तथा जिसका "ई" गान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूणीक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(124)/98]

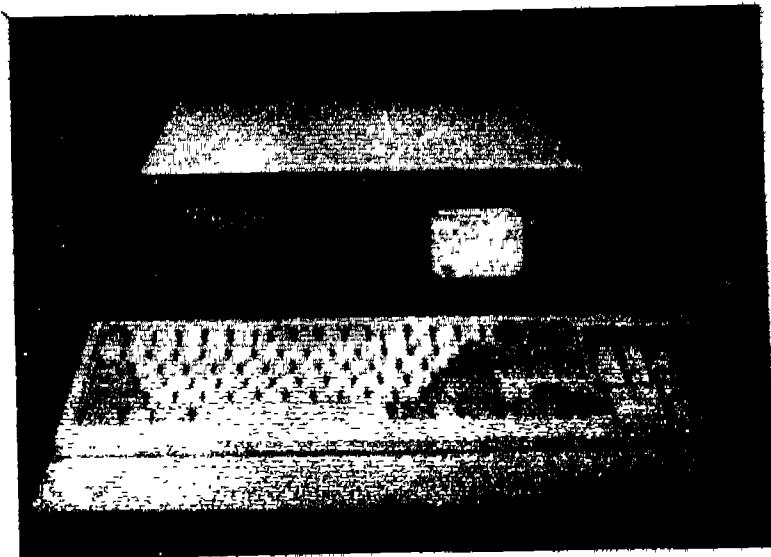
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 507.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (weigh bridge Multi load cell type) weighing instrument with digital indication of "KWS" series of Medium accuracy (accuracy class III) and with brand name "KANAN", (herein after referred to as the model) manufactured by M/s. Kanan Weighing Systems, Plot No. 59, Electronic Complex, Pardeshpura, Indore-452008 and which is assigned the approval mark IND/09/2000/216;

The said Model (see figure) is a weighing instrument with a maximum capacity is 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 9 x 3 metre. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments similar make, accuracy and performance of same series with same accuracy class and of same series having maximum capacity more than 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and value of 1, 2 and 5 series and with 'e' value 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same Principle design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(124)/98]

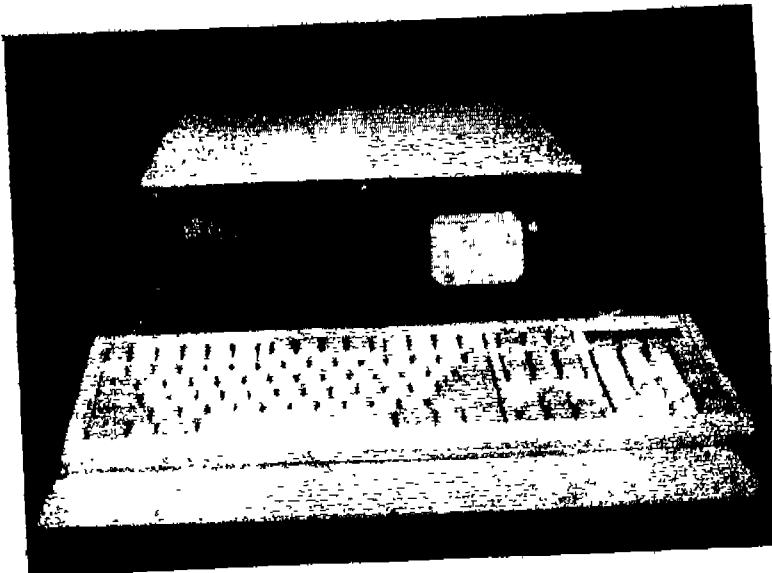
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 508.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स कानन वेंग सिस्टम्स, एलाट सं. 59, इलेक्ट्रॉनिक काम्पलेक्स, परदेशपुरा, इन्डौर-452008 द्वारा विनिर्मित मध्यम यथार्थता वर्ण (यथार्थता वर्ण III) वाले "के डब्ल्यू. एस सी के" श्रृंखला के अंकीय सूचन सहित स्वतःसूचक, अस्याचालित, तोलन उपकरण (तुला चौकी प्रकार के लिए संपरिवर्तन किट) मॉडल का, जिसके ब्रांड का नाम "कानन" है (जिसे इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/217 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) जिसकी अधिकतम क्षमता 30000 किलोग्राम और न्यूनतम क्षमता 100 कि. ग्राम है, की तुला चौकी की संपरिवर्तन किट है। सत्यापन मापमान (ई) का मान 5 कि.ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनात्मक धारित आद्येयतुलन प्रभाव है भाग्याही आवश्यकाकार है, जिसकी भुजाएं 9×3 मी. हैं। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के उसी भेक, उसी यथार्थता और कार्यपालन वाले एमे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 5 टन से अधिक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिसमें अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या सहित 5 ग्रा. या अधिक के लिए "ई" मान 500 से 10,000 की रेंज का है और मान 1, 2 और 5 श्रृंखला का है तथा जिसका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य है।

[फा० सं० डब्ल्यू० एम०-21(124)/98]

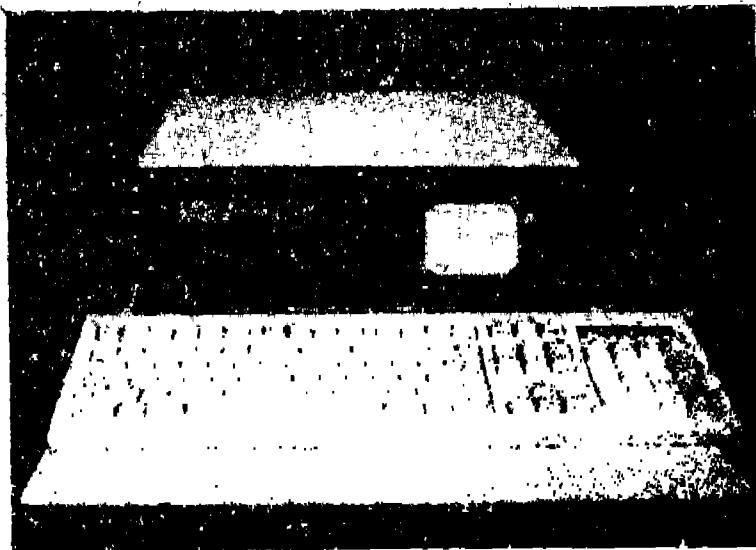
पौ० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 508.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (Conversion kit for weigh bridge type) weighing instrument with digital indication of "KWS-CK" series of Medium accuracy (accuracy class III) and with brand name "KANAN", (hereinafter referred to as the model) manufactured by M/s. Kanan Weighing Systems, Plot No. 59, Electronic Complex, Pardeshpura, Irudore-452008 and which is assigned the approval mark IND/09/2000/217.

The said Model (see figure) is a conversion kit for weigh bridge with a maximum capacity of 30000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 percent subtractive retained tare effect. The load receptor is of rectangular section of side 9 x 3 metre. The light emitting diode display indicates the weighing result. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments similar make, accuracy and performance of same series with same accuracy class and of same series having maximum capacity more than 5 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'c' value of 5 g or more and value of 1, 2 and 5 series and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model have been manufactured.

[F. No. W.M.-21(124)/98]

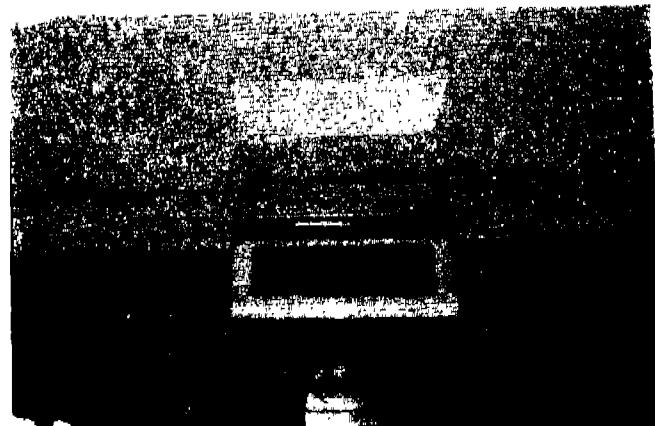
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 509.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उस प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यूनिवर्सल लेइंग सिस्टम, एस नं. 210 2ए/2, ए/पी, मालवासी हडपसर, पूणे-411028 द्वारा विनिर्मित मध्यम यथार्थता की (यथार्थता वर्ग II) वाले “यू डब्ल्यू एस टी एम” श्रृंखला के स्वतःसूचक, अस्वचालित अंकक सूचन सहित (दोहरी श्रेणी) तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके आंड का माप “सोनी” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2000/236 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) तोलन उपकरण (दोहरी श्रेणी) है जिसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है, सत्यापन मापमान (ई) का माप 15 कि.ग्राम/30 कि.ग्राम के संगत 2 ग्राम/5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। भारतीय आयताकार खंड का है जिसकी भुजाएं 240×290 मि. मी. हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला वाले उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी मिलांत, डिजाइन और उसी मामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. के “ई” मान के लिए 100 से 10,000 की श्रेणी और सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक “ई” मान के लिए 500 से 10,000 की श्रेणी में है तथा जिनका “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(129)/2000]

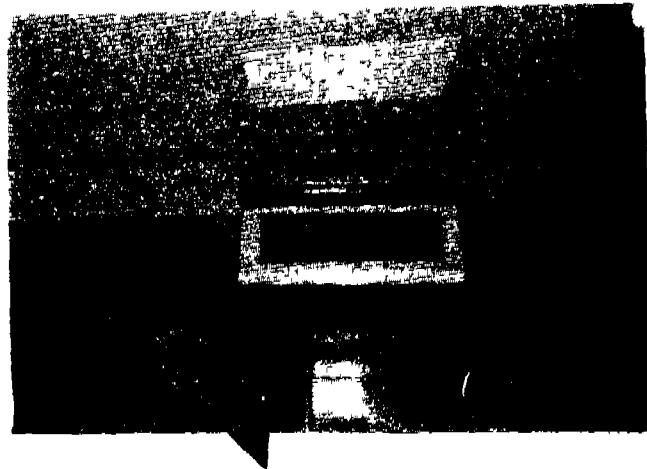
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 509.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions,

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication (dual range) of "UWSTM" series of Medium accuracy (accuracy class III) and with brand name "SONY", (hereinafter referred to as the model) manufactured by M/s Universal Weighing System, S No 210, 2A/2, A/P, Malwasi, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/2001/236,

The said Model (figure given) is a weighing instrument (dual range) with a maximum capacity of 30 kg and minimum capacity of 40 g. The verification scale interval (e) is 2 g/5 g corresponding to 15 kg/30 kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The load receptor is of rectangular section of side 240 × 290 millimetre. The instrument operates on 230 V, 50 Hertz, alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'c' value of 100 mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'c' value 5 g or more and with 'e' value 1×10^k , 2×10^k , 5×10^k k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the approved model has been manufactured.

[G.S.R. 21(129)/2000]

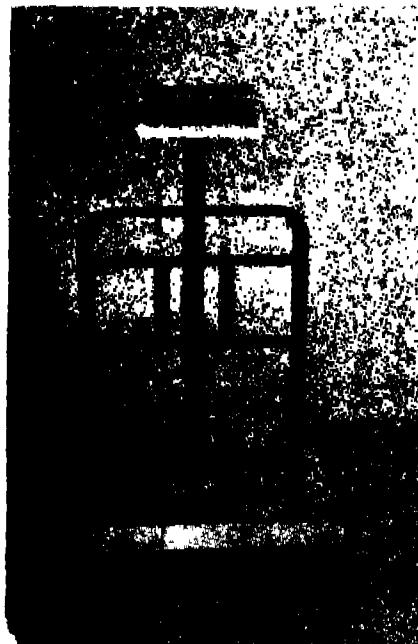
P A KRISHNAMOORTI, Director, Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 510.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करते के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब^१ केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यूनिवर्सल वेइंग सिस्टम, एस बि. 210 2ए/2, ए/पी, मालवासी हडपसर, पूर्णे-411028 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “यू डब्ल्यू एस पी” शृंखला के स्वतःसूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “यूनिक” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन दिया आई एस डी/09/2000/237 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) तोलन उपकरण है जिसकी अधिकतम क्षमता 60 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है, सत्यापन मापमान (ई) का मान 10 ग्राम है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्पर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। भारतीय आयताकार खंड का है जिसकी भुजाएं 360×450 मि. मी. हैं। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रस्थावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता ३ लेवल तक है और जिनका विभिन्न उसी विनियोग द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्णय किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्यांक 100 मि. ग्रा. से 2 ग्रा. के “ई” मान के लिए 100 से 10,000 तक त्रिकोण में और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या अधिक “ई” मान के लिए 500 से 10,000 की श्रेणी में है तथा अनुमोदित मापमान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या शृंखलात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(129)/2000]

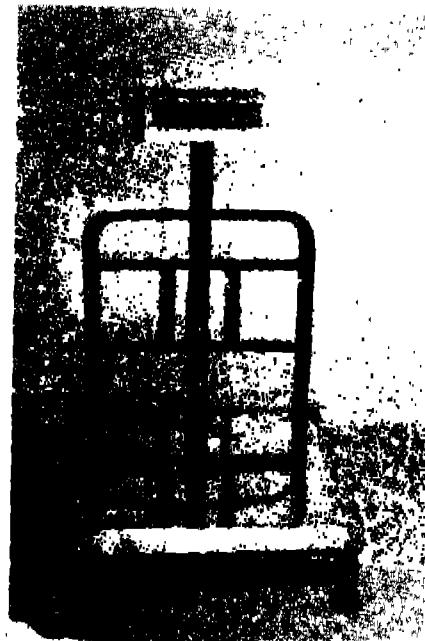
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 510.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (Platform type) weighing instrument with digital indication of "UWSP" series of Medium accuracy (accuracy class III) and with brand name "UNIK", (hereinafter referred to as the model) manufactured by M/s. Universal Weighing System, S. No. 210, 2A/2, A/P, Malwasi, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/2000/237.

The said Model (figure given) is a weighing instrument with a maximum capacity of 60 kg and minimum capacity of 200 g. The verification scale interval (e) is 10 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The load receptor is of rectangular section of side 360 x 450 millimetre. The instrument operates on 230 V and 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity upto 5 tonne and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g for more and with 'e' value 1×10^k , 2×10^k , 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle design and with the same materials with which, the approved model has been manufactured.

[F. No. W.M -21(129)/2000]

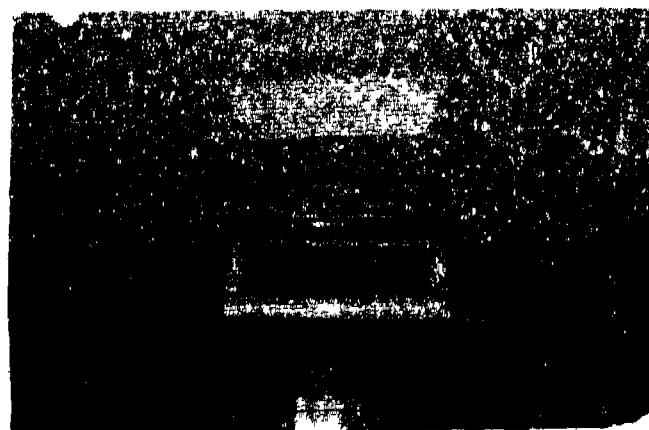
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 511.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और भाष मानक अधिनियम, 1976 (1976 का 60) और बाट और भाष मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस भात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स यूनिवर्सल ब्रेंडिंग सिस्टम्स, एस नं 210 2ए/2, पैगी, मालवासी हड्डयसर, पूर्णे-411028 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता चार्ग II) वाले “यू डब्ल्यू एस टी एच” श्रृंखला के स्वतःसूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सोनी” है (जिसे इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन विहङ्ग आई एन डी/2000/235 दिया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल (आकृति देखें) तोलन उपकरण है जिसकी अधिकतम क्षमता 12 किलोग्राम और न्यूनतम क्षमता 50 ग्राम है, सत्यापन मापमान (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिगत धारित आधेयतुलन प्रभाव है। प्रकाश उत्पादक डायोड प्रदर्श तोलन परिणाम उपर्युक्त करता है। भारप्राही आयताकार खड़ का है जिसकी भुजाएं 240×290 मि. मी हैं। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी श्रृंखला के डसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्यांक 1 मि. ग्रा. से 50 ग्रा. के “ई” मान के लिए 100 से 100,000 की श्रेणी में और सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्राम या अधिक “ई” मान के लिए 5000 से 1,00,000 की श्रेणी में है तथा जिसका “ई” मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा० सं० डब्ल्यू० एम०-21(129)/2000]

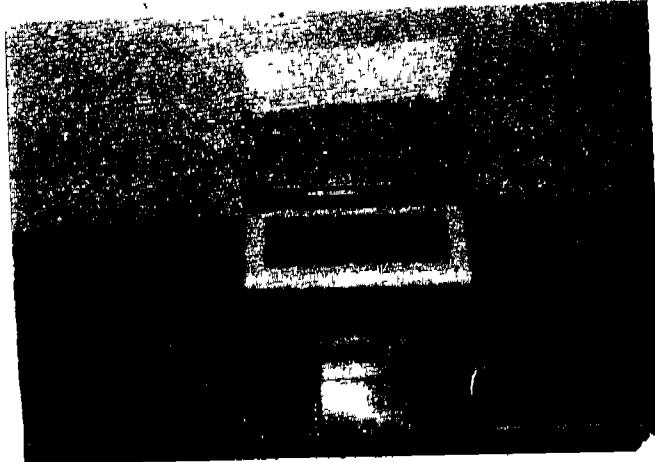
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 511.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, (Table top type) weighing instrument with digital indication of "UWSTH" series of high accuracy (accuracy class II) and with brand name "SONY", (hereinafter referred to as the model) manufactured by M/s. Universal Weighing System, S. No. 210, 2A/2, A/P, Malwasi, Hadapsar, Pune-411028 and which is assigned the approval mark IND/09/2000/235;

The said Model (figure given) is a weighing instrument with a maximum capacity is 12 kg and minimum capacity of 50 g. The verification scale interval (e) is 1 g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The load receptor is of rectangular section of side 240 × 290 millimetre. The instrument operates on 230 V and 50 Hertz alternate current power supply;



And further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of same series with having maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1 mg to 50mg and with number of verification scale interval (n) in the range 5000 to 1,00,000 for 'e' value 100mg or more and with 'e' value of 1×10^k , 2×10^k , 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle design and with the same materials with which, the approved model have been manufactured.

[F. No WM -21(129)/2000]

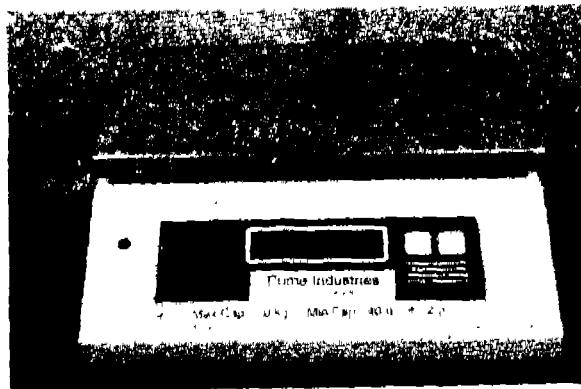
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 1 मार्च, 2001

का. आ. 512.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त मॉडल अपनी यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8)द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैमर्स प्राइम इण्डस्ट्रीज, प्लाट सं. 6, खोजा कालोनी, कमरा नं. 1, सांगली, जिला सांगली-416416, महाराष्ट्र मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "पी टी पी" शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "क्राउन" है (जिसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2000/248 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

यह मॉडल अंकक सूचन सहित टेबल टॉप प्रकार का अस्वचालित सोलन उपकरण है जिसकी अधिकतम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है और मध्यम यथार्थता वर्ग (यथार्थता वर्ग II) का है। सत्यापन मापमान (ई) का मान 2 ग्राम है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदान पर कार्य करता है।



और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अन्तर्गत, उसी शृंखला के उसी मेक, उसी यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और 100 मि. ग्रा. से 2 ग्रा. "ई" मान के लिए 100 से 10,000 है और 5 ग्राम या इससे अधिक के "ई" मान के लिए सत्यपान मापमान अंतराल (एन)की संख्या 500 से 10,000 है तथा जिनका "ई" मान 1×10^4 , 2×10^4 और 5×10^4 है जिसमें के घनात्मक या ग्रृहणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा० सं० डस्ट्यू० एम०-21(140)/99]

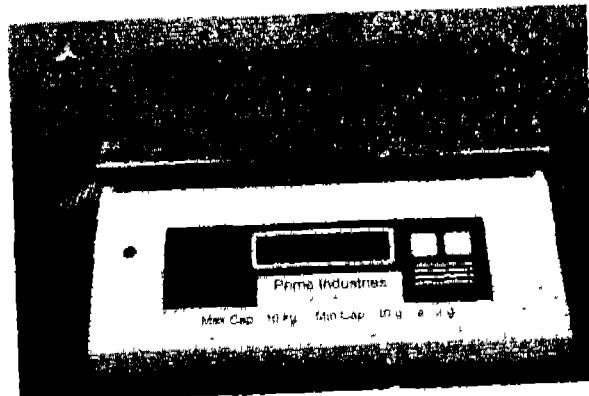
पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st March, 2001

S. O. 512.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic, weighing instrument (Table top type) with digital indication (hereinafter referred to as the model) of "PTP" series belonging to Medium accuracy class (accuracy class III) and with brand name "CROWN", manufactured by M/s Prime Industries, Plot No. 6, Khoja Colony, Room No. 1, Sangli, District Sangli-416416, Maharashtra and which is assigned the approval mark IND/09/2000/248;

The Model is a non-automatic weighing instrument (table top type) with digital indication of maximum capacity 10 kg, minimum capacity 40 g, and belonging to Medium accuracy class (accuracy class III). The value of verification scale interval (e) is 2 g. The display unit is of light emitting diode. The instrument operates on 230 V, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value 100 mg to 2g and with number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k , and 5×10^k k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials which, the approved model has been manufactured.

[F No. W.M.-21(140)/99]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

श्रम मंत्रालय

नई दिल्ली, 12 फरवरी, 2001

का. आ. 513—ग्रांथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इनस्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबन्धने के सवध नियोजकों और उनके कर्मकारों के बीच, अनुबंध गे निर्दिष्ट ग्रांथोगिक विवाद में केन्द्रीय सरकार ग्रांथोगिक अधिकरण/श्रम न्यायालय, काल्पुर के पासांत को प्रवासित करनी है, जो केन्द्रीय सरकार को 12-2-2001 से प्राप्त हुआ था।

[प. एन-42012/122/2000-आई ग्राम (डी० य०)]

कुलदीप राय वर्मा, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 12th February, 2001

S.O. 513.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulses Research and their workman, which was received by the Central Government on 12-2-2001.

[No. L-42012/122/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, SARVODAYA NAGAR,
KANPUR

INDUSTRIAL DISPUTE NO. 110/2000

IN THE MATTER OF DISPUTE BETWEEN
Shri Amrit Singh C/o Shri Rajendra Prasad Shukla,
115/193 A-2 MASWANPUR
KANPUR

AND

The Director
Indian Institute of Pulses Research
Kalyanpur G.T. Road
Kanpur

AWARD

1. Central Government Ministry of Labour, vide its notification No L-42012/122/2000-IR(DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal:—

Whether the action of the management of Indian Instt. of Pulses Research, Kalyanpur, Kanpur in terminating the services of Shri Rishi Pal w.e.f. 26-8-98 is legal and justified? If not, to what relief the workman is entitled to?

2. In the present case the representative for the workman after putting his appearance on 14-11-2000 and 1-1-2001 stopped appearing in the case nor the workman thereafter appeared in the case on dates of hearing nor any claim statement has been filed. On behalf of the management Sri V. K. Gupta appeared almost on all dates fixed in the case.

3. From the conduct of the representative of the workman as well as workman, it appears to me that he is not interested in contesting the case.

4. In view of above, the tribunal is left with no other option but to hold that the concerned workman is not entitled for any relief for want of pleadings and proof.

5. Accordingly it is held that the concerned workman is not entitled for any relief pursuant to the reference made to this tribunal for want of pleadings and proof.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 12 फरवरी, 2001

का. आ. 514—ग्रांथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इनस्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबन्धने के सवध नियोजकों और उनके कर्मकारों के बीच, अनुबंध गे निर्दिष्ट ग्रांथोगिक विवाद में केन्द्रीय सरकार ग्रांथोगिक अधिकरण/श्रम न्यायालय काल्पुर, के पंचाट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 12-2-2001 से प्राप्त हुआ था।

[म. एन-42012/121/2000-आई ग्राम (डी० य०)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 12th February, 2001

S.O. 514.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulses Research and their workman, which was received by the Central Government on 12-2-2001.

[No. L-42012/121/2000-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI R. P. PANDEY PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM LABOUR COURT, SARVODAYA NAGAR,
KANPUR,

INDUSTRIAL DISPUTE NO. 109/2000
IN THE MATTER OF DISPUTE BETWEEN

Sri Rajkumar C/o Shri Rajendra Prasad Shukla,
115/193 A-2 Maswanpur
Kanpur

AND 1

The Director,
Indian Institute of Pulses Research
Kalyanpur G.T. Road,
Kanpur

AWARD

1. Central Government, Ministry of Labour, vide its notification No L-42012/121/2000-IR(DU) dated 28-8-2000 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Indian Instt. of Pulses Research Kalyanpur, Kanpur in terminating the services of Shri Raj Kumar w.e.f. 26-8-98 is legal and justified? If not, to what relief the workman is entitled to?”

2. In the present case the representative for the workman after putting his appearance on 14-11-2000 and 1-1-2001 stopped appearing in the case nor the workman thereafter appeared in the case on dates of hearing nor any claim statement has been filed. On behalf of the management Sri V. K. Gupta appeared almost on all dates fixed in the case.

3. From the conduct of the representative for the workman as well as workman, it appears to me that he is not interested in contesting the case.

4. In view of above, the tribunal is left with no other option but to hold that the concerned workman is not entitled for any relief for want of pleadings and proof.

5. Accordingly it is held that the concerned workman is not entitled for any relief pursuant to the reference made to this tribunal for want of pleadings and proof.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 12 फरवरी, 2001

का. आ. 515—श्रीदौषिंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन इन्स्टिट्यूट ऑफ पल्सेस रिसर्च के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदौषिंगिक विवाद में केन्द्रीय सरकार श्रीदौषिंगिक अधिकरण/श्रम न्यायालय, कानपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-2001 को प्राप्त आ था।

[म. एल-42012/115/2000—आई आर (डी० य०)]
कुलदीप राय वर्मा, इंस्क अधिकारी

New Delhi, the 12th February, 2001

S.O. 515.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Institute of Pulses Research and their workman, which was received by the Central Government on 12-2-2001.

[No. L-42012/115/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR

INDUSTRIAL DISPUTE NO. 103/2000 IN THE MATTER OF DISPUTE BETWEEN

Shri Rishi Pal C/o Shri Rajendra Piasad Shukla
115/193 A-2 Maswanpur
Kanpur.

AND

The Director,
Indian Institute of Pulses Research,
Kalyanpur, G. T. Road,
Kanpur

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-42012/115/2000-IR(DU) dated 29-8-2000 has referred the following dispute for adjudication to this tribunal:—

“Whether the action of the management of Indian Instt. of Pulses Research Kalyanpur, Kanpur in terminating the services of Shri Rishi Pal w.e.f 26-8-98 is legal and justified? If not, to what relief the workman is entitled to?”

2. In the present case the representative for the workman after rusting his appearance on 14-11-2000 and 1-1-2001 stopped appearing in the case nor the workman thereafter appeared in the case on dates of hearing nor any claim statement has been filed. On behalf of the management Sri V. K Gupta appeared almost on all dates fixed in the case.

3. From the conduct of the representative for the workman as well as workman, it appears to me that he is not interested in contesting the case.

4. In view of above, the tribunal is left with no other option but to hold that the concerned workman is not entitled for any relief for want of pleadings and proof. [

5. Accordingly it is held that the concerned workman is not entitled for any relief pursuant to the reference made to this tribunal for want of pleadings and proof.

R. P. PANDEY, Presiding Officer

नई दिल्ली, 12 फरवरी, 2001

का. आ. 516.—श्रीदौषिंगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेशन आयरेक्टर, आल इंडिया रेडियो के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदौषिंगिक विवाद में केन्द्रीय सरकार श्रीदौषिंगिक अधिकरण/श्रम न्यायालय, कानपुर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-2001 को प्राप्त हुआ था।

[म. एल-42012/50/2000—आई आर (डी० य०)]
कुलदीप राय वर्मा, इंस्क अधिकारी

New Delhi, the 12th February, 2001

S.O. 516.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Station Director, All India Radio and their workman which was received by the Central Government on 12-2-2001.

[No. L-42012/50/2000-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR

INDUSTRIAL DISPUTE NO. 58 OF 2000 IN THE MATTER OF DISPUTE BETWEEN

Smt. Renu Bhatnagar, Through Shri V. N. Nigam,
88, 530 Prem Nagar,
Kanpur

AND

Station Director,
All India Radio,
(Prasar Bharti BCI)
Benajbabar Road,
Kanpur

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/50/2000-IR(DU) dated 30-6-2000 has referred the following dispute for adjudication to this tribunal—

“Whether the action of the management of All India Radio, Kanpur/New Delhi in terminating the services of Smt. Renu Bhatnagar w.e.f. 15-5-93 is legal and justified? If not to what relief the workman is entitled?”

2. In the instant case after receipt of the reference order notices were issued to the parties. Whereas Sri Rameshwar

Dayal, Advocate, appeared in the case on behalf of the management, none appeared for the workman nor any claim statement was filed on her behalf Dates 21-9-2000, 25-10-2000 and 6-12-2000 were fixed in the case, but neither the workman appeared nor statement of claim was filed on her behalf. Finally when the case was taken up on 29-1-2001 workman again absented and did not file statement of claim.

3. From the above circumstances it becomes abundantly clear that the workman is not interested in contesting the present case. In view of above discussions, this tribunal is left with no other option but to hold that the concerned workman is not entitled for any relief for want of pleadings and proof pursuant to the present reference made to this tribunal.

4. Accordingly it is held that the workman is not entitled for any relief for want of pleadings and proof.

5. Reference made to this tribunal is answered accordingly.
Dated 5-2-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 15 फरवरी, 2001

का. आ. 517.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डेवलपमेंट कमीशनर फॉर हैंडीकॉफ्ट्स के प्रबन्धतान्त्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं. एल-42012/117/89-श्रावि आर (डी० य०)]
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th February, 2001

S.O. 517.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Labour Court, New Delhi, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Development Commissioner for Handicraft and their workman, which was received by the Central Government on 15-2-2001.

[No. L-42012/117/89-IR(DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI K. S. SRIVASTAV, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 196/95

In the matter of dispute between :

Shri Murari Lal Gupta
S/o Shri Bhag Chand Aggarwal, Chowkidar,
Carpet Weaving Training Centre,
Kaman, Dist. Bharatpur (Rajasthan),
C/o Delhi Labour Union, Aggarwal Bhawan,
G. T. Road, Tis Hazari, Delhi.

Versus

The Development Commissioner,
Ministry of Textile,
West Block No. 7,
R. K. Puram, New Delhi-110022.

APPEARANCES :

Shri Rajiv Aggarwal for the workman.
None for the Management.

AWARD

The Central Government in the Ministry of Labour has sent this reference under Sec. 10(1)(d) and Sec. 10(A) of I.D. Act, 1947 for the adjudication of the dispute between the parties on the following terms.—

“Whether the action of the management of Development Commissioner for Handicrafts, Bharatpur in terminating the services of Shri Murari Lal Gupta s/o Shri Bhag Chand Aggarwal, Ex-Chowkidar from employment with effect from 6-12-1987 is just and legal ? If not, to what relief is the worker concerned entitled and from what date ?”

2. The statement of claim, written statement, rejoinder have been exchanged between the parties. The workman's averment in short is that he was employed as Chowkidar w.e.f. 24-8-82 at Carpet Weaving Training Centre, Kaman, Distt. Bharatpur in the Ministry of Textile on a daily rated/casual and muster roll basis. He was paid his wages at fixed rate revised from time to time under the minimum wages Act by the Delhi Administration, Delhi. The job assigned to him was of regular and permanent nature and was existing then also. The services of the workman were terminated w.e.f. 6-12-89 without assigning any valid reasons. Workman has further alleged that this counter part were being paid their salary in the pay scale of Rs. 196-232 revised as Rs. 750-940 w.e.f. 1-1-86 with usual allowances admissible under rules and they were also getting the benefit of medical leave etc. when these facilities were denied to him. He has further alleged that he had continuously worked till the date of his termination from the service.

3. The workman has assailed the order of termination on the following grounds. Firstly unfair labour practice is provided under Section 2(ra) read with item No. 10 of the Vth Schedule of the Industrial Disputes Act, 1947 was taken by the Management because he was employed on a regular job but was treated as daily rated casual and muster roll worker for indefinite period and was also paid less remuneration than given to his counter parts doing the identical work. It also amounts exploitation of Labour and hostile discrimination shown to him. The Management had

employed Shri Jai Singh on the same job on which workman was engaged to work.

4. Secondly that after completing 9 days of continuous service as provided in the Model Standing Orders framed under the I. Dispute Standing Orders Act 1946 he had acquired a status of a permanent employee w.e.f. 24-8-82 after completing 90 days of continuous employment. Since the Management has not framed any rules or regulations for governing service conditions of daily rated casual muster roll workers nor there is any certified standing orders governing the service conditions of the said workers the model standing orders aforesaid were well applicable in his case. Further it is averred by the workman that he had completed 240 days of continuous employment w.e.f. 24-8-82 and thus his services could not be terminated without giving any notice, notice pay and compensation. No seniority list was ever displayed by the management at the time of his termination from service. The termination of the workman thus was violative of Section 25F G and H of the Act read with rule 76, 77 and 78 of the I. D. Central Rules 1957.

5. The workman has stated that demand notice was sent to the management by registered A.D. Post and communicated on 30-5-88 but no reply was received by the workman. It is also stated by the workman that he is unemployed since termination of his services.

6. The Management has contested workman's case. According to the management the workman's claim is misconceived trifolous baseless and devoid of jurisdiction of this Tribunal and it has to be rejected. The management has also taken preliminary objections to the effect that no industrial dispute as contemplated under Section 22 of the I.D. Act exists. The Management does not fall under the category of Industry as contemplated under the Act. The main objection of the Carpet Weaving Scheme was to increase the production base in Carpet weaving in order to meet the growing demand for hand-knotted carpets in the international market and enhance employment opportunities among the artisans sale of the carpet produced during the training was made on the basis of the cost of raw material used in the carpets. The Union has no authority or locus standi to file the claim petition on behalf of the workman.

7. On merits the management has denied the workman's application for his termination of service and has asserted that in fact the workman had himself stopped coming on duties w. e. f. 6-12-87 on his own accord and free will. The management has denied that any discrimination with regard to the payment of wages to the workman was shown by the Management. The workman was engaged as daily wager chowkidar for the night duty from 24-8-82 and he was paid from

the contingent fund made available to the respective centres. The petitioner has paid his wages according to his entitlement. Since the petitioner was employed on casual basis he was not entitled for the benefits available to the regular employees.

8. The Management has further asserted that the workman had already become overage at the time of his employment and thus he could not be absorbed in service. The Management has further denied that any unfair labour practice was being taken by the Management against the workman. It is further stated by management that Training Centre where workman was engaged on casual basis was not in existence because according to the policy the training centres were opened for imparting training to the local inhabitants for their livelihood and thereafter shifting it to other place winding up and phasing out the carpet scheme. In the rejoinder filed by the workman he has reiterated his allegations made in the claim petition and he has specifically denied management's allegations that he had himself stopped going on his duties. He had always reported on duty at proper time and after performing his normal duties and overtime duties he was relieved and was being paid wages monthly. The workman has denied that the management was not an industry and has asserted that the work of the management was systematic and was being done by the salaried day employees.

9. It appears that at the stage of producing evidence the management failed to file affidavit or any other evidence despite the time given to the management on making demand and ultimately vide order dated 1-8-97 management was directed to be proceeded ex parte.

10. The workman has only filed his affidavit in evidence and has examined himself also on oath as WW1. He has proved his affidavit marked as Ex.WW1/1. He has not been cross-examined by the Management.

11. Arguments on behalf of the workman only heard.

12. None of the preliminary objections taken by the management I find is satisfactory. No material has been given by the management in support of the objections aforesaid. The Management has allowed the case to proceed ex parte against it. Mere allegation made in the written statement which I find are not of purely legal in nature but also includes act cannot be accepted without any proof of it.

13. Moreover the workman contention made in the rejoinder against the management objection that it was an industry that the work of the management was systematic and was being done by the salaried employees has not been denied by the

management at any subsequent stage. Thus it clearly shows that the management's objections in this respect cannot be allowed to be sustained. Management's preliminary objections are thus rejected.

14. As regards merit of the case the management has taken a specific plea of self abandonment of the service by the workman. Management has failed to substantiate its plea by any proof. The onus of proving the said plea was certainly on the management.

15. Hon'ble Supreme Court of India in the case of G. T. Lad Vs. Chemical and Fibres of India Ltd. (1979) 1 SCC 590 has held in this respect as follows :—

"to constitute abandonment of service, there must be total or complete giving up of duties as to indicate an intention not to resume the same. Abandonment or relinquishment of service is always a question of intention and normally such an intention cannot be attributed to an employee without adequate evidence in that behalf. It is a question of fact to be determined in the light of the surrounding circumstances of such case. Temporary absence is not ordinarily sufficient to constitute an abandonment of office."

Thus the plea of self abandonment of the service by the workman taken by the management is not accepted.

16. The petitioner has categorically stated that he had remained in continuous service permanently for 90 days and thereafter 240 days with effect from 24-8-82 and he had acquired permanent status in the service. The termination of his services according to him was violative of section 25-F, G and H and Rule 76, 77 and 78 of the Rules. The workman has also specifically alleged that no notice of termination was given to him nor he was paid notice pay retrenchment compensation was also not paid to him. His assertion in this respect further is that management has failed to publish any seniority list on behalf of the management. Nothing has been shown that aforesaid formalities were observed. The Management had as seen above relied upon factum of self abandonment of service by the workman. It is already not accepted. The workman's contention that he had worked continuously for 240 days in view of the fact I find remains uncontested. The workman has stated all these facts in his affidavit marked Ex. WW1/1. He has further stated on oath as WW1. He has not been cross-examined by the management hence I do not find any reason to disbelieve the workman's evidence. Hence in view of the fact I find that the termination of the workman's services is neither justified nor legal being violative of the provisions of Section 25-F of the Act, and is not sustainable in law. The termination of the work-

man has to be revoked. The workman shall be entitled for his reinstatement in service from the date of his termination from services.

17. As regards the back wages of the workman it is categorically stated by the workman in the claim petition that he is unemployed since the time of his termination. The Management has not been able to place any material to show that the workman was in the employment after his termination. The Management's contention of voluntary abandonment of services by the workman has not been accepted and the workman's termination has been found illegal and unjust being violative of Section 25-F of the Act. In view of the fact I find that the workman shall be entitled to get his back wages from the date of the termination of the service till the date of his reinstatement.

18. As regards the quantum of the wages the workman was undoubtedly being paid a fixed wages which has been agitated by the workman. The workman has claimed equal wages as being given to his counter parts performing the identical job on the principle of equal pay for equal work. The Management I find has not given any satisfactory reason for rejecting the workman's contention aforesaid. The principle of equal pay for equal work is well recognised. This fact that the counter parts of the workman who were performing identical job were being paid their salary in regular pay scale and they were also getting the other service benefits remains undisputed since the management has failed to give any cogent material against it. In view of the fact I do not find any reason to disbelieve the contention of the workman made in this respect and I find and hold that the workman shall be entitled to his back wages at the rates similar which were given to his counter parts performing identical job.

19. In view of my findings above the Award is given accordingly.

Dated 9-2-2001.

K. S. SRIVASTAV, Presiding Officer

नई दिल्ली, 15 फरवरी, 2001

का. ग्रा. 518—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रार्केटोजिकल सर्वे आॅफ इंडिया के प्रबन्धताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[म. नं. 42012/135/96—आई आर (डी०ग०)]

कृतदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 15th February, 2001

S.O. 518.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 15-2-2001.

[No. L-42012/135/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर ।

प्रकरण संख्या :—बी-40/97

आदेश संख्या :—एल-42012/135/96-आई.आर.
(झी यू) 14-10-97

गोवर्धन लाल मीणा पुत्र श्री देवीनारायण मीणा निवासी
सवाई माधोर्सह पुरा, मोड़ पश्चिमपुरा, तहसील बाकसू
जिला-जयपुर ।

—प्रार्थी

बनाम

1. डॉयरेक्टर (साईंस)

आर्कोलोजिकल सर्वे ऑफ इण्डिया, साईंस आन्थ,
29-न्यू कनाट रोड़,
देहरादून ।

2. असिस्टेन्ट सुपरिनेंटेन्ट,

आर्कोलोजिकल केमिस्ट,
23 शर्मा कौलोनी/नन्दपुरी,
बाईस गोदाम, जयपुर ।

—प्रार्थी

उपस्थित :—

प्रार्थी की ओर से श्री कुणाल रावत
प्रार्थी की ओर से श्री तेजप्रकाश शर्मा
पंचाट दिनांक 18-1-2001

पंचाट

केन्द्रीय सरकार के द्वारा औद्योगिक विवाद अधिनियम, 1947 (जिसे बाबू में अधिनियम, 1947 कहा गया है) की धारा 10 की उपधारा (1) के खण्ड -झी के प्रावधानों के अन्तर्गत निम्न विवाद उक्त आदेश के जरिए न्याय निर्णयन हेतु निर्वैशित किया गया ।

“Whether the action of the Director (science), Archaeological Survey of India, science branch, 29, New Cantt. Road, Dehradun & Asstt. Supdt., Archaeological Chemist, Nandpuri Colony, Bias Godown, Jaipur is justified in terminating the services of Sh. Goverdhan Lal Meena, Daily rated workman w.e.f. 1-12-94 ? If not, what relief to the workman is entitled to?”

प्रार्थी की ओर से स्टेटमेंट ऑफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया कि प्रार्थी अप्रार्थी संख्या-2 के अधीन फरवरी, वर्ष 1992 में अतुर्थ श्रेणी कर्मचारी के पद पर नियुक्त हुआ था व माह नवम्बर, 1994 तक उक्त संस्थान में लगातार कार्य किया । दिनांक 30-11-1994 को मौखिक आदेश के जरिये उसे कार्य से हटा दिया गया, यह कहकर कि जब कार्य की आवश्यकता होगी उसे कार्य पर बुला लिया जाएगा, परन्तु उसे कार्य पर नहीं लिया गया । उसकी सेवा समाप्ति के पश्चात् कैलाराम मीणा, जसवन्त सिंह व अन्य श्रमिकों को कार्य पर रखा लिया । उसने अप्रार्थी संस्थान में 240 दिन से अधिक कार्य किया । वह जो कार्य करता था स्थाई प्रकृति का था व उसे नियमित करने के स्थान पर उसे सेवा से पूर्ण कर दिया गया । उसकी सेवा समाप्ति अधिनियम, 1947 की धारा 25-एफ, झी, एच का उल्लंघन कर की गई है । सेवा समाप्ति करते समय कोई वरिष्ठता सूची भी नहीं बनाई गई व सेवा समाप्ति अनुचित श्रम व्यवहार के नियम परिषिष्ट की धारा-10 का उल्लंघन कर की गई है । सेवा समाप्ति के पश्चात् से वह बेरोजगार है । उसकी सेवा समाप्ति दूसरे व्यक्ति को नौकरी देने के लिए व औद्योगिक विवाद (केन्द्रीय) नियम, 1957 (जिसे बाबू में नियम, 1957 कहा गया है) के नियम, 77, 78 का उल्लंघन कर की गई । प्रार्थना की गई कि उसकी सेवा समाप्ति अवैध घोषित की जावे व उसकी सेवाओं को निस्तर मानते हुए सवेतन सभी लाभ -परिलाभों सहित वापस सेवा में वाहाल किया जाये ।

अप्रार्थिगण की ओर से जबाब प्रस्तुत किया गया जिसमें प्रारम्भिक आपत्ति की गई कि प्रार्थी के मामले में अधिनियम, 1947 के प्रावधान लागू नहीं होते । विन्दुवार जवाब में उल्लेख किया गया कि प्रार्थी की नियुक्ति अतुर्थ श्रेणी कर्मचारी के पद पर निर्धारित प्रक्रिया के तहत नहीं की गई उसे आकस्मिक श्रमिक के रूप में अस्थाई कार्य हेतु लगाया गया वा व कार्य की समाप्ति के बाद उसकी सेवा स्वतः समाप्त हो गई । प्रार्थी ने 1 जून, 1992 से लेकर जनवरी 1993 तक कुल 162 दिन कार्य किया । उसने वर्ष 1992, में 159 दिन व वर्ष 1993 में 3 दिन कार्य किया प्रार्थी के इस कथन को कि उसने सन् 1992 से सन् 1994 तक लगातार कार्य किया, को गलत बताया । यह भी उल्लेख किया गया कि प्रार्थी दिनांक 5-1-1993 को बिना किसी सूचना से अप्रार्थी संस्थान के यहां से चला गया था व सेवा छोड़ने के पश्चात् उसने प्रार्थी संस्थान से वापस नौकरी पर रखने हेतु न कभी निवेदन किया व न कभी आया । जसवन्त सिंह को गोवर्धन लाल मीणा के कार्यरत रहने के दौरान ही दिनांक 1 जुलाई, 1992 से कार्य पर रखा था । कैलाराम मीणा नाम का श्रमिक कार्य पर कभी नहीं रखा गया व न कार्यरत है । प्रार्थी ने अप्रार्थी संस्थान में 240 दिन एक वर्ष में कार्य नहीं किया । ऐसे श्रमिक जिन्होंने एक वर्ष में 240 दिन कार्य नहीं किया है की वरिष्ठता सूची बनाया जाना आवश्यक नहीं है । यह भी उल्लेख

किया गया कि प्रार्थी सेवा छोड़कर श्री दिग्म्बर अनिश्चय क्षेत्र, पदमपुरा में 25/- रुपये प्रतिदिन की दर से कार्य करने लग गया था ।

प्रार्थी की ओर से जवाब का प्रत्युत्तर प्रस्तुत किया गया, जिसमें उसने स्टेटमेंट ऑफ कंलेम में वर्णित तथ्यों को बोहरावा ।

पक्षकारों के अभिकथनों के आधार पर निम्नांकित बिन्दु बनाये गये :—

(1) आया प्रार्थी श्रमिक ने सेवामुक्ति से पूर्व एक वर्ष की अवधि में विपक्षी संस्थान में 240 दिन से अधिक कार्य किया ?

(2) आया प्रप्रार्थी संस्थान द्वारा श्रौद्धोगिक विवाद अधिनियम, 1947 की धारा 25-एफ 25-जी, 25-एच एवं श्रौद्धोगिक विवाद अधिनियम के नियम 77-78 का उल्लंघन किया गया है ?

(3) आया प्रप्रार्थी संस्थान द्वारा प्रार्थी की सेवामुक्ति में अनफेयर लेबर प्रेक्टिस के नियम परिशिष्ट की धारा 10 का उल्लंघन किया गया है ?

(4) आया प्रप्रार्थी संस्थान पर श्रौद्धोगिक विवाद अधिनियम के प्रावधान लागू नहीं होते ?

(5) प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से स्वयं का शपथ पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर विपक्षी के अधिवक्ता को दिया गया । विपक्षीण की ओर से नरेन्द्र कान्त समाधिया, सहायक अधीक्षक आर्कोलोजिकल सर्वे आफ इण्डिया जयपुर जॉन, जयपुर व वाई. डी. शर्मा, वरिष्ठ फोटोग्राफर के शपथ-पत्र प्रस्तुत किये गये जिन पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया । प्रप्रार्थीगण की ओर से प्रार्थी के कार्यदिवसों के बारे में प्रतिलिपि स्टेटमेंट प्रदर्श एम-1 व प्रतिलिपि प्रार्थी को भुगतान किए बाउचर प्रदर्श एम-2 से एम-7, प्रतिलिपि उपस्थिति रजिस्टर प्रदर्श एम-8, प्रतिलिपि शिड्यूल डाकेट प्रदर्श एम-9 पत्र प्रबन्धक श्री दिग्म्बर जैन अतिशय क्षेत्र, पदमपुरा प्रदर्श एम-1 (जिसे बाद में प्रदर्श एम-10 कहा गया है ।) उपस्थिति रजिस्टर अप्रैल, 1992 से नवम्बर, 1994 तक भी प्रस्तुत किए गए ।

बहुसंख्या गई एवं पदावली का अवलोकन किया गया ।

बताए गए विवाद बिन्दुओं का विनिष्ठय निम्न प्रकार किया जाता है :—

बिन्दु संख्या 4:— प्रप्रार्थी के विद्वान अधिवक्ता ने तर्क दिया है कि विपक्षी संस्थान "उद्योग" की परिभाषा में नहीं आता, जैसा कि इस अधिकरण ने एक दूसरे प्रकरण संख्या:— सी.आर्इ.टी.बी-18/97 में पारित पंजाट में अभिनिधारित किया है । उक्त प्रकरण में प्रप्रार्थी की ओर से न तो कोई साध्य प्रस्तुत की गई थी व न उसका प्रतिनिधित्व किया गया था व न विपक्षी की साध्य के खण्डन में कोई साध्य प्रस्तुत

की गई थी व ऐसी दशा में उक्त निष्कर्ष निकाला गया था । एक अन्य प्रकरण संख्या सी.जी.आर्इ.टी.बी/3/98 में इस बिन्दु पर कि विपक्षी संस्थान "उद्योग" की परिभाषा में आता है अथवा महीं विस्तार से विचार किया गया है व यह निष्कर्ष निकाला गया है कि विपक्षी संस्थान "उद्योग" के अन्तर्गत आता है । उक्त प्रकरण में 1996-II-एन-एल.जे. धीक कन्जरेटर ऑफ फोरेस्ट्स व अन्य बनाम जगन्नाथ मूर्ति कन्धारे व अन्य व्याय दृष्टान्त पर विचार कर यह निष्कर्ष निकाला गया है कि विपक्षी संस्थान के कार्य राज्य के Sovereign Function तहत नहीं आते । ऐसी दशा में अधिनियम, 1947 के प्रावधान लागू होते हैं ।

बिन्दु संख्या :—1 प्रार्थी का कथन है कि उसने विपक्षी संस्थान में फरवरी, 1992 से चतुर्थी श्रेणी कर्मचारी के रूप में कार्य किया । उसे दिनांक 1-12-1994 से मौखिक रूप से सेवामुक्त कर दिया । उसने अप्रार्थी संस्थान में लगातार 240 दिन से अधिक कार्य किया । उसका कथन है कि मस्टर रोल व हाजिरी रजिस्टर में उसकी उपस्थिति दर्ज होती थी, हाजिरी रजिस्टर में हस्ताक्षर नहीं करता था । उसने इस सुझाव को गलत बताया है कि दिनांक 1-6-92 से 31-1-1993 तक उसने कुल 162 दिन कार्य किया हो बल्कि नवम्बर, 1994 तक कार्य करना बताया है । उसने इस सुझाव को भी गलत बताया है कि दिनांक 5-1-1993 को वह स्वेच्छा से नौकरी छोड़कर चला गया हो व कहा कि उसने श्री दिग्म्बर अतिशय क्षेत्र पदमपुरा, में कार्य नहीं किया । नरेन्द्र कान्त समाधिया का कथन है कि प्रार्थी को 1, जून 1992 को दिहाड़ी आकस्मिक श्रमिक के रूप में कार्य पर रखा गया था । उसने दिनांक 1-6-1992 से 31-1-1993 की अवधि में निम्न प्रकार कार्य किया :—

अवधि	कार्य दिवस
दिनांक 1-6-1992 से 30-6-1992	26 दिन
दिनांक 1-7-1992 से 31-7-1992	27 दिन
दिनांक 1-8-1992 से 31-8-1992	24 दिन
दिनांक 1-9-1992 से 30-9-1992	27 दिन
दिनांक 1-10-1992 से 31-10-1992	26 दिन
दिनांक 1-11-1992 से 31-11-1992	19 दिन
दिनांक 1-12-1992 से 31-12-1992	10 दिन
दिनांक 1-1-1993 से 31-1-1993	03 दिन
162 दिन	

उसने प्रप्रार्थी के कथन को कि प्रप्रार्थी ने फरवरी 1992 से नवम्बर, 1994 तक लगातार कार्य किया, को गलत बताया । उसने कहा कि दिनांक 5-1-1993 को प्रप्रार्थी बिना सूचना के कार्य छोड़कर चला गया था । उसके कथन का कि प्रप्रार्थी ने उक्त अवधि में 162 दिन कार्य किया विपक्षी के साक्षी वाई. डी. शर्मा वरिष्ठ फोटोग्राफर ने श्रपने कथन में समर्थन किया है । उसका यह भी कथन है कि प्रप्रार्थी दिनांक 5-1-1993 को बिना सूचना के कार्य छोड़कर चला गया ।

प्रार्थी के विद्वान अधिकारी का तर्क है कि प्रार्थी से हाजिरी रजिस्टर में हाजिरी नहीं करवाई थी, बल्कि मस्टररोल पर हाजिरी करते थे व अप्रार्थी की ओर से मस्टररोल प्रस्तुत नहीं की गई। उनका यह भी तर्क है कि एक अन्य प्रकरण सर्वा सीजी आईटी-बी/3/98 में विपक्षी संस्थान की ओर से मस्टररोल प्रस्तुत की गई है, जब कि प्रस्तुत मामले में मस्टररोल प्रस्तुत नहीं की गई, अत विपक्षी के विरुद्ध निष्कर्ष निकाला जाना चाहिए। यह उल्लेख करना उचित होगा कि उक्त प्रकरण जिसमें मस्टररोल प्रस्तुत की गई है वह अधीक्षण पुरातन्यविद, भारतीय पुरातन्य संबंधित था, जबकि प्रस्तुत मामले में सहायक अधीक्षक आकौलोजिकल केमिस्ट में संबंधित रिकार्ड प्रस्तुत किया गया है। नरेन्द्रकान्त बा कथन है कि आर्टीजिकल विगव विज्ञान याक्षा पृथक पृथक है। उसका कथन है कि मस्टररोल उपलब्ध नहीं था, इसलिए मस्टररोल नहीं बनाए व स्टाफ की कमी के कारण वेवल हाजिरी रजिस्टर ही रखा गया था। ऐसा ही कथन वाई डी शर्मा ने दिया है। ऐसी दण्ड में जब कि मस्टररोल अप्रार्थी के कार्यालय में नहीं बनाए गए तो मस्टररोल प्रस्तुत किए जाने का प्रश्न उत्पन्न नहीं होता व अप्रार्थी के विरुद्ध मस्टररोल प्रस्तुत नहीं किए जाने से कोई निष्कर्ष नहीं निकाला जा सकता। अप्रार्थी की ओर से प्रस्तुत माध्यमिक के कथन का समर्थन कि प्रार्थी ने दिनांक 1-6-1992 से 1-1-1993 की श्रव्यि में कुल 162 दिन कार्य किया, अप्रार्थीगण को आगे से प्रस्तुत बाउचर पदवी एन-2 में पास 7 व उपस्थिति रजिस्टर से होना है। उपस्थिति रजिस्टर पर प्रार्थी के हस्ताक्षर भी है, प्रत उपस्थिति रजिस्टर पर अधिकारी किए जाने का बोई कारण प्रतीत नहीं होता। उपस्थिति रजिस्टर के प्रनुसार प्रार्थी का दिनांक 1-6-1992 से 4-1-1993 के बीच केवल 162 दिन कार्य किया जाना प्रमाणित होता है प्रार्थी की ओर से यह प्रमाणित नहीं है कि उसने फरवरी, 1992 से नवम्बर, 1994 तक विपक्षी संस्थान में निरन्तर कार्य किया व एक वर्ष में 240 दिन कार्य किया।

बिन्दु संख्या 2 व 3 प्रार्थी के द्वारा नवम्बर, 1994 तक कार्य किया जाना नहीं पाया गया है। अप्रार्थी की ओर से नरेन्द्रकान्त समाधिता व वाई डी शर्मा का कथन है कि प्रार्थी दिनांक 5-6-1993 को ही वार्य छोड़कर चला गया था। वाई डी शर्मा का यह भी कथन है कि प्रार्थी दिनांक 24/1/1993 से 21-2-1993 के बीच श्री दिनम्बर जैन अतिग्रन्थ क्षेत्र, 45 मपुरा में कार्य किया उक्त मस्थान के प्रबन्धक द्वारा प्रेपित पत्र प्रदर्शी पाम-10 से उल्लेख है कि गोवर्धन मीणा ने 24 जनवरी, 1993 से 21 फरवरी, 1993 तक बेलदार के स्थान पर 25/- स्पष्ट प्रतिदिन की दर से कार्य किया। प्रार्थी के विद्वान अधिकारी का तर्क है कि प्रबन्धक को साक्षम में प्रस्तुत नहीं किया गया, अत पत्र प्रमाणित नहीं है व उक्त पत्र पर भरोसा नहीं किया गया चाहिए। वाई डी शर्मा ने स्वीकार किया है कि उमा प्रार्थी वा उक्त गांव में कार्य वार्ते नहीं देखा है व न पत्र प्रेपित कर्ता को साक्षम में प्रस्तुत किया गया है। ऐसी परिस्थितियों

में उस पत्र पर भरोसा नहीं किया जा सकता। यह उल्लेख करना उचित होगा कि दिनांक 5-1-1993 के पश्चात् प्रार्थी ने संगमांग प्रधिकारी के साथ विवाद निर्देश आदेश में वर्णित उल्लेख के अनुमार मन 1996 में अनिम कार्यदिवस दिनांक 4/1/1993 के लगभग 3 वर्ष पश्चात् उठाया है। प्रार्थी के विद्वान अधिकारी का तर्क है कि प्रार्थी को वार्य छोड़ने के पश्चात् नोटिस नहीं दिया गया, अत विपक्षी वे द्वारा प्रस्तुत मालिक पर विश्वास नहीं किया जाना चाहिए कि प्रार्थी स्वयं कार्य छोड़कर चला गया। इस बारे में कोई विवार नहीं है कि प्रार्थी के कार्य छोड़ने के पश्चात् विपक्षी को आगे से कार्य नोटिस नहीं दिया गया। मानती है उच्चतम न्यायालय ने 1999 (एल एप्पल एस) बोल्पम-1 पृष्ठ 262 स्टेट ऑफ हिन्दिया बनाम ओमप्रकाश के मामले में दैनिक मजदूरी पर कार्यरत कर्मचार जो कि जानकारी नीत वर्ष अनुपस्थित रहा था, नियोजक ने उसकी मेवा ममालिक के प्रार्थ में कोई कार्यवाही नहीं की थी। यह अमिनिवार्गित किया गया कि प्रार्थी की सेवा समाप्ति छठनी के तहत नहीं आवा व अधिनियम, 1947 को धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। क्लेम में यह उल्लेख किया गया है कि प्रार्थी को आवधान दिया जाना रहा कि उसे कार्य पर ले निया जाएगा, जिस तथ्य से प्रार्थी की ओर से इकाई किया गया है। प्रार्थी ने अपने शपथ-पथ में ऐसा भी उल्लेख नहीं किया है कि प्रार्थी की ओर से उसे मेवा में लिया जाने हेतु कोई आवधान दिया गया। उक्त परिस्थितियां मुख्य अनुपस्थितान को दृष्टिगत रखने होंगी प्रार्थी को आगे से प्रस्तुत की गई साक्ष कि दिनांक 5-1-1993 में प्रार्थी स्वयं कार्य छोड़कर चला गया, विश्वनीप्रतीक्षा होता है कि प्रार्थी की मेवा समाप्ति के तहत नहीं आती। ऐसी दण्ड में प्रतिनियम 1947 को धारा 25-एफ जी, पत्र व नियम 1957 के तापाम, 77 78 व प्रतिविधि अत व्यवस्था व प्रावधान प्रार्थी नहीं होते। प्रार्थी के विद्वान अधिकारी ने 1997 (76) एल एन प्रार्थ पृष्ठ 393 आरिम्बिट पैक प्रार्थ कर्मस बनाम प्रतिनियम एफ इण्डिया व अन्य आगे एल एन 1991 (2) पृष्ठ 463 व्यादिम अली बनाम स्टेट ऑफ राजस्थान व आगे एल एन 1991 (1) पृष्ठ 577 जनरल मैनेजर नोवेंट रेलवे, नई दिल्ली बनाम जज, केन्द्रीय श्रीवोगिन अधिकारी नई दिल्ली का उद्भव किया है। आरिम्बिट पैक प्रार्थ कार्यक्रम के मामले में अधिनियम 1947 की धारा 25-एफ का उल्लंघन होता प्रमाणित पाया व कर्मचार को सहायता का अधिकारी होता पाया। आगे पाए आगे 1991 (2) पृष्ठ 463 में प्रतिविधि, 1947 की धारा 25-एफ का उल्लंघन होता प्रमाणित पाया। जनरल मैनेजर नोवेंट रेलवे नई दिल्ली के मामले में अधिनियम, 1947 की धारा 25-जी, उल्लंघन होने पर प्रमाणित पाया व नियम 77 का आवधान होना अधिनिवार्गित किया। प्रार्थी की मेवा समाप्ति दिनांक 1-12-94 को किया जाना प्रपाणित नहीं है, अत इस विन्दु पर विचार करने की आवश्यकता ही नहीं रही कि प्रार्थी की सेवासमाप्ति उचित है अथवा अनुदित है व इस कारण भी उक्त प्रावधान

आकृष्ट नहीं होते। यह भी प्रमाणित नहीं है कि प्रार्थी ने विपक्षी संस्थान में दिनांक 5-1-1993 से पूर्व 240 दिन कार्य किया। प्रार्थी का यह भी कथन नहीं है कि उसकी सेवा समाप्ति के समय विपक्षी संस्थान में उसपे कनिष्ठ अन्य कोई श्रमिक वायरल थे। इस कारण भी अधिनियम, 1947 की धारा 25-एफ एवं जी के प्रावधान आकृष्ट नहीं होते। अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किये जाने के बारे में निर्देश आदेश में कोई उल्लेख नहीं है, जिस बाब्त से भी उक्त बिन्दु पर विचार करने की आवश्यकता नहीं है।

दिन्दु संख्या 5:— प्रार्थी की सेवा समाप्ति दिनांक 1-12-1994 को होना प्रमाणित नहीं है अतः उसके उचित अधवा अनुचित होने का प्रश्न उत्पन्न नहीं होता व उक्त विवाद बिन्दुओं के विविच्य के आधार पर प्रार्थी कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेपित की जाए।

ह/-
अध्यक्ष

नई दिल्ली, 15 फरवरी, 2001

का. आ. 519:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्कोनोजिकल सर्वे आंक इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट का प्रकाशित करनी है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[मं. एन-42012/28/97-आईआर (डी ग्र.)]
कुनर्दीन राय वर्मा, डैम्ड अधिकारी

New Delhi, the 15th February, 2001

S.O. 519:—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 15-2-2001.

[No. L-42012/28/97-IR(DU)]
KULDIP RAI VERMA, Desk Officer
अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर।
आदेश संख्या:— 42012/28/97-आईआर (डी ग्र.) 1-1-1998
प्रकरण संख्या:— सी. जी. आई. टी. बी-3/98
मुकेण कुमार पारीक पूत्र श्री रामकृष्ण पारीक निवासी प्लाट नं. 50-ए राजड़ंस कॉलोनी-11, ब्रह्मपुरी, जयपुर।

—प्रार्थी

बनाम

1. डायरेक्टर (साईन्स), आर्कोनोजिकल सर्वे आंक इंडिया,
साईन्स बांग, 29, न्यू कलार रोड, देहरादून।

570 GI/2001—11

2. सुपरिनेंटडेन्ट, आर्कोनोजिकल सर्वे आंक इंडिया, जयपुर।

—प्रार्थीगण

उपस्थित:—

प्रार्थी की ओर से : श्री कुणाल रावत
अप्रार्थी की ओर से : श्री तेजप्रकाश शर्मा
पंचाट : दिनांक: 18-1-2001

पंचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद औद्योगिक विवाद अधिनियम, 1947 (जिसे बार में अधिनियम, 1947 कहा गया है) की धारा 10 की उपधारा (1) के ब्रेड-डी के प्रावधानों के अन्तर्गत उक्त आदेश के जरिए न्यायनिर्णय हेतु निर्देशित किया गया:—

“Whether the action of Superintendent of Archaeological Survey of India, Subash Marg, C-Scheme, Jaipur is justified in terminating the services of Shri Makesh Pareek, Class-IV (Group 'D') employee w.e.f. 31-12-92? If not, to what relief the workman is entitled to?”

प्रार्थी की ओर से स्टेटमेंट आँफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि वह अप्रार्थी संख्या-2 के अधीन मई, 1991 में दैनिक बेतनशोधी कर्मचारी के रूप में नियुक्त हुआ व माह दिसम्बर, 1992 तक लगातार कार्य किया। उसे 22 रूपये प्रतिदिन की दर से बेतन दिया जाता था। दिनांक 31-12-92 को उसे यह कहकर हटा दिया गया कि जब भी कार्य की आवश्यकता होगी उसे कार्य पर बुला लिया जाएगा, परन्तु उसे कार्य पर नहीं बुलाया गया। उसकी सेवामुक्ति के पश्चात् पानसिंह एवं रामकिशोर व अन्य श्रमिकों को कार्य पर रख लिया गया। उसे अप्रार्थी संस्थान में 240 दिनों से अधिक कार्य किया। श्रार्थी संस्थान में जो कार्य वह करता था, वह स्थाई प्रदृष्टि का था। अप्रार्थी के द्वारा उसकी सेवा समाप्ति अधिनियम, 1947 की धारा 25-एफ, जी, एच का उल्लंघन करकी गई। उसकी सेवामुक्ति के समय बरिष्ठता सूची भी नहीं बनाई गई। इस प्रकार अप्रार्थी के द्वारा अनुचित श्रम व्यवहार कर नियम परिशिष्ट की धारा 10 का उल्लंघन किया गया। सेवामुक्ति के पश्चात् से ही वह बैकार बैठा रहा है। प्रार्थना की गई कि उसकी सेवामुक्ति दिनांक 31-12-92 को अवैध एवं शून्य करार दिया जाए व सेवा थी निरन्तरता बनाए रखते हुए संवेतन समस्त लाभ एवं परिवाभ दिलाए जाए।

अप्रार्थीगण की ओर से स्टेटमेंट आँफ क्लेम का जवाब प्रस्तुत किया गया, जिसमें प्रारंभिक आपत्ति की गई कि क्लेम में पंचाटित कार्यालय प्रभारी को पक्षकार नहीं बनाया गया है। अप्रार्थी संख्या-2 का पता श्रूत है, अप्रार्थी संख्या-1 का संबंध अप्रार्थी संख्या-2 से नहीं है। वरणवार उन्नर में उल्लेख किया गया कि प्रार्थी ने अप्रार्थी संख्या-2 के अधीनस्थ कार्यालय संरक्षण व्यायक, भारतीय पुणतत्व सर्वेक्षण, उपमण्डल, जयपुर द्वारा केन्द्र सरकार के संरक्षित स्मारक पुण्डरिक जी की हवेली, ब्रह्मपुरी, जयपुर के वार्षिक रख-

रखाव प्राक्कलन के समाप्त दिनांक 19-7-1991 को पूर्णतया अस्थाईनीर ५८ ग्रन्तिशल श्रमिक के रूप में मर्टर रोल पर मौखिक आदेश पर दिलाडी पर कार्य किया। उसे उक्त सम्मान में स्वीकृत रिति पद पर नियन्त्रित स्थाई पद पर नियुक्त नहीं किया गया। प्रार्थी का यह कथन कि उसने अप्रार्थी राख्या-2 के पास मई, 1991 से माह दिसंबर, 1992 तक लगातार कार्य किया, पूर्ण रूप में अस्थाय एवं अमासक है। उसने दिनांक 19-7-1991 में 6-11-1991 तक 94½ दिवस कार्य किया। प्रार्थी के कार्य की समाप्ति पर व प्रार्थी श्रमिक के कार्य की प्राप्तस्थिता न होने पर उसे दिनांक 6-11-1991 से मौखिक आदेश के द्वारा हटा दिया गया। पार्निमिह व अमासिशो अप्रार्थी सम्मान में क्रमशः माह जन, 1989 न 1986 से नी दैनिक वेतनभोगी कर्मचारी के रूप में भर्टर रोल पर कार्यगत है। प्रार्थी का यह कथन कि उन्हीं की सेवा समाप्ति के पश्चात् उक्त व्यक्तियों को कार्य पर रखा गया, पूर्णतया असंत्य है। यह भी उल्लेख किया गया कि अप्रार्थी सम्मान पर अधिनियम, 1947 के प्रावधान नाम नहीं है। अप्रार्थी सम्मान में भारतीय पुरातत्व सर्वेक्षण, केन्द्रीय सरकार द्वारा संरक्षित स्थल, स्मारक एवं पुरावशेषों तथा प्राचीन अमूल्य धरोहर और स्मृतियों को जीवित रखने के उद्देश्य से विभिन्न स्मारकों/पुरावशेषों के राख-रखाएँ/भरमत/स्थायिक राख-रखाव तथा पुरास्थलों के उत्पत्ति आदि वा कार्य किया जाता है, जिनके लिए सरकारी स्थल/स्मारक छिशेष के लिए आवश्यकतानुसार स्त्रीकृत मरम्मत/राख-रखाव प्राक्कलन के साथ राष्ट्रीय उपलब्ध श्रमिकों का दिलाडी पर मर्टर रोल पर मौखिक आदेश के द्वारा रखा जाता है। पूर्णतया अस्थाई एवं अत्यावधि के कार्य के लिए श्रमिकों की कोई विशिष्टा सीरी नहीं बनाई जाती।

प्रार्थी की ओर से अप्रार्थिग के द्वारा प्रस्तुत जवाब का प्रत्युत्तर प्रस्तुत किया गया, जिसमें उसने क्लेम में वर्णित तथ्यों को दोहराया। यह भी उन्हें किया गया कि अप्रार्थी द्वारा उम्मेदसिंह, संग्रहालय, रात्नाशक्ति कृष्णार, यतिन बग्न, चिरजीलाल गुर्जर, गापतिशार निराडी व अन्य श्रमिकों का भर्ती किया गया।

प्रधानकारों के अधिवक्ताओं के आधार पर निम्नांकित विवाद बिन्दु बनाए गए—

- (1) आया अप्रार्थी ने अप्रार्थी सम्मान में मई, 1991 स 30-12-92 तक नियन्त्रित कार्य किया?
- (2) आया अप्रार्थी उत्ता अंतर्गत विवाद अधिनियम की धारा 25-एफ पन जी का उल्लंघन किया गया है?
- (3) आया अप्रार्थी द्वारा अनकेंग लेवर प्रेक्टिश के नियम परिभासा ने नियम 10 वा उत्तराधित दिया गया है?

- (4) आया जवाब की प्रारम्भिक आपत्तियों के खण्ड सम्मान-1 में दिए गए कारणों के आधार पर ग्रेटमेट ऑफ क्लेम खारिज किए जाने योग्य हैं?
- (5) आया प्रार्थी को आकस्मिक श्रमिक के रूप में आकस्मिक कार्य की पूर्ति हेतु रखा गया था व कार्य समाप्त होने पर उसे हटा दिया गया? यदि हाँ तो इसका प्रभाव?
- (6) आया अप्रार्थी सम्मान पर औद्योगिक विवाद अधिनियम, 1947 के प्रावधान लागू नहीं होते?
- (7) आया अप्रार्थी द्वारा बूसरे कर्मचारियों को नियन्ति देने के लिए प्रार्थी की सेवामुक्ति की गई?
- (8) प्रार्थी किम सहायता को प्राप्त करने का अधिकारी है?

प्रार्थी की ओर से क्लेम के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थी के द्वितीय अधिवक्ता को दिया गया। अप्रार्थिग की ओर से एज के काठपाल, प्रशासनिक अधिकारी, भारतीय पुरातत्व सर्वेक्षण, जयपुर जोन, जयपुर एवं फकीरचन्द, सहायक अधीक्षण पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण जयपुर के शपथ-पत्र प्रस्तुत किए गए, जिन पर प्रतिपरीक्षा करने का अवसर प्रार्थी के प्रतिनिधि को दिया गया। अप्रार्थिग की ओर से मट्टोल प्रदर्श एम-1 से प्रदर्श एम-4 प्रस्तुत किए गए।

बहुम सुनी गई एवं पवालली का अवलोकन किया गया। बनाए गये विवाद बिन्दुओं का विनियोग निम्न प्रकार किया जाता है—

बिन्दु संख्या 1—प्रार्थी का कथन है कि मई, 1991 में दैनिक वेतनभोगी कर्मचारी के रूप में वह अप्रार्थी सम्मान में भर्ती हुआ था। उसने लगातार 240 दिन तक कार्य किया व उसकी उपस्थिति ग्रन्टर रोल से दर्ज होती थी। उसे दिनांक 31-12-1992 को मौखिक रूप से सेवा से मुक्त कर दिया। विपक्षीण के साक्षी हर्गिनिन काठपाल का कथन है कि प्रार्थी ने अप्रार्थी संख्या-2 के प्रधीनश्य कार्यालय सरकार, भारतीय पुरातत्व सर्वेक्षण, उप-मण्डल, जयपुर द्वारा केन्द्रीय सरकार के सरकारी स्मारक पुण्डरीक जी की हवेली, ग्रामपुरी, जयपुर के वार्षिक राख-रखाव प्राक्कलन के समक्ष दिनांक 19-7-1991 की पूर्णतया अस्थायी तौर पर अकुशल श्रमिक के रूप में मर्टर रोल पर मौखिक आदेश द्वारा दिलाडी पर रखा गया था। प्रार्थी का यह कथन कि उसने माह मई, 1991 से माह दिसंबर, 1992 तक लगातार कार्य किया, पूर्णतया असंत्य है। उसने दिनांक 19-7-1991 से 6-11-1991 तक 94½ दिन कार्य किया व दिनांक 6-11-1991 को उसे मौखिक आदेश के द्वारा हटा दिया गया। फकीरचन्द ने उक्त साक्षी के कथन का समर्थन करते हुए अपना कान

दिया है। अप्रार्थी की ओर से प्रस्तुत की गई मस्ट्रोल प्रदर्श एम-1 के अनुसार प्रार्थी ने दिनांक 19-7-1991 से 18-8-1991 के बीच केवल 27 दिन, मस्ट्रोल प्रदर्श एम-2 के अनुसार 19-8-1991 से 16-9-1991 तक कुल 24 दिन, मस्ट्रोल एम-3 के अनुसार दिनांक 17-9-1991 से 15-10-1991 तक कुल 25 दिन व मस्ट्रोल प्रदर्श एम-4 के अनुसार दिनांक 16-10-1991 से 15-11-1991 तक कुल 18½ दिन व इस प्रकार कुल उक्त अवधि में 94½ दिन कार्य किए जाने का उल्लेख है। प्रार्थी ने प्रतिपरीक्षा में स्वीकार दिया है कि उसे उक्त मस्ट्रोल के अनुसार भुगतान किया गया था। उसका कथन है कि शेष दिनों की मजदूरी का भुगतान बाद में करने के लिए कहा गया था। इस बाबत उसने लिखित में लिखकर नहीं दिया। उसका कथन है कि वात्रवर पर लिखा हुआ था कि बकाया भुगतान कर दिया जावेगा। उसने स्वीकार किया है कि शपथ-पत्र में ऐसा उल्लेख नहीं किया गया। उसने स्वीकार किया है कि टिकट मस्टर रोल पर ही लगाया जाता था।

प्रार्थी के विद्वान अधिवक्ता का तर्क है कि अप्रार्थीगण की ओर से प्रदर्श एम-1 से लेकर प्रदर्श एम-4 के मस्टर रोल के अतिरिक्त अन्य मस्टर रोल प्रस्तुत नहीं किए गए, अतः अप्रार्थी के विग्रह निष्कर्ष निकाला जाना चाहिए। अप्रार्थी के कथन पर विश्वास किया जाना चाहिए कि उसने विष्कृती सस्थान में माह मई, 1991 से माह दिसम्बर, 1992 तक लगातार कार्य किया। हरिकिशन काठपाल, प्रशासनिक अधिकारी, भारतीय पुरातत्व सर्वेक्षण, जयपुर जोन, जयपुर ने शपथ-पत्र दिया है कि प्रार्थी के कार्य के बारे में उक्त चार मस्ट्रोलों के अतिरिक्त अन्य कोई मस्ट्रोल अथवा दस्तावेज अप्रार्थी सस्थान में उपलब्ध नहीं है। उक्त परिस्थितियों में यह नहीं कहा जा सकता कि अप्रार्थीगण की ओर से जानबूझकर प्रार्थी के कार्य के बाबत मस्ट्रोल अथवा अन्य कोई दस्तावेज प्रस्तुत नहीं किए गए। प्रार्थी के इस कथन पर कि बकाया बेतन भुगतान करने के बाबत बाउचर पर लिखा गया था, विश्वास किए जाने योग्य नहीं है, जब कि मस्टर रोल प्रदर्श एम-4 पर उसके द्वारा दिनांक 27-11-1991 को कुल 18½ दिवस ता बेतन प्राप्त करने का उल्लेख है। कोई कारण प्रतीत नहीं होता कि यदि प्रार्थी ने दिनांक 6-11-1991 के पश्चात् भी कार्य किया होता तो उससे सबवित मस्टर रोल अप्रार्थीगण की ओर से प्रस्तुत नहीं किया जाता। उक्त परिस्थितियों में अप्रार्थीगण के विग्रह कोई विपरीत निष्कर्ष नहीं निकाला जा सकता। अतः प्रार्थी का यह कथन कि उसने माह मई, 1991 से माह दिसम्बर, 1992 तक अप्रार्थी सस्थान में लगातार कार्य किया, विश्वास किए जाने योग्य नहीं है व उसके द्वारा अप्रार्थी सस्थान में दिनांक 19-7-1991 से 6-11-1991 के बीच की अवधि में कुल 94½ दिन कार्य किया जाना पाया जाता है।

विन्दु संख्या 4—जगत में प्रारम्भिक ग्रामीण की गई कि सबवित कार्यालय प्रभारी को प्रकरण में पक्षकार नहीं

बनाया गया है। “नियोजन” की परिभाषा अविनियम, 1947 की धारा 2(जी) म निम्न प्रकार दी गई है:—

2(g) “employer” means—

- (i) in relation to an industry carried on by or under the authority of any department of (the Central Government or a State Government), the authority prescribed in this behalf, or where no authority is prescribed, the head of the department;
- (ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority;”

आद्योगिक विवाद (केन्द्रीय) नियम, 1957 (जिसे बाद में नियम, 1957 कहा गया है।) के नियम-2 के खण्ड-जी का मुख्य भाग निम्न प्रकार है:—

2(g) with reference to clause (g) of section 2, it is hereby prescribed that—

- (i) in relation to an industry, not being an industry referred to in sub-cause (ii), carried on by or under the authority of a Department of the Central or a State Government, the officer-in-charge of the industrial establishment shall be the ‘employer’ in respect of that establishment; and
- (ii) in relation to an industry concerning railways, carried on by or under the authority of a Department of the Central Government:—
 - (a) in the case of establishment of a Zonal Railway, the General Manager of that Railway shall be the ‘employer’ in respect of regular railway servants other than casual labour.
 - (b) in the case of an establishment independent of a Zonal Railway, the Officer-in-charge of the establishment shall be the ‘employer’ in respect of regular railway servants other than casual labour; and
 - (c) the District Officer-in-charge or the Divisional personnel Officer or the personnel officer shall be the ‘employer’ in respect of casual labour employed on a Zonal Railway or any other railway establishment independent of a Zonal Railway.”

इस प्रकार ऐसे “उद्योग” के संबंध में जो कि केन्द्रीय सरकार के अधीन विभाग के द्वारा मन्त्रालय होते हैं, का नियोजक उद्योग, संस्थान का अपार्फीसर इच्छार्ज होगा। प्रार्थी के द्वारा कार्यालय संरक्षण सहायक, भारतीय पुरातत्व सर्वेक्षण, उपमण्डल, जयपुर, जिसके कार्यालय में प्रार्थी कार्यरत था, उसे पक्षकार नहीं बनाया गया, जो बनाया जाना आवश्यक था।

बिन्दु संख्या 5—हरिकिशन काठपाल का कथन है कि दैनिक बेतन भागी थमिक के दुर्घटनाग्रस्त होने पर उसके ग्रामान्तर/परामिता अवधि के लिए प्रार्थी को दिलाई पर रखा गया था व कार्य की आवश्यकता न होने पर उसे

हटा दिया गया। ऐसा ही कथन फकीरचंद ने दिया। फकीरचंद ने अपने कथन में यह नहीं बताया कि जो व्यक्ति बीमार हो गया था, उसका क्या नाम था व कितनी अवधि के लिए वह अवकाश पर रहा। ऐसी परिस्थितियों में यह निष्कर्ष नहीं निकाला जा सकता कि बीमार व्यक्ति के दुर्घटनाग्रस्त होने के कारण अथवा अवकाश पर जाने के कारण प्रार्थी को नियोजित किया गया। एक और तो यह कहा गया है कि प्रार्थी को दूसरे श्रमिक के अवकाश पर जाने पर कार्य पर रखा गया, दूसरी ओर यह बताया गया है कि कार्य समाप्त होने के पश्चात् उसे हटा दिया। फकीरचंद अपने कथन में यह भी नहीं बता पाया है कि प्रार्थी क्या कार्य करता था। ऐसी दशा में यह नहीं कहा जा सकता कि कार्य की समाप्ति होने पर प्रार्थी की सेवा समाप्त की गई।

बिन्दु संख्या 6 :—अप्रार्थीगण के विद्वान अधिवक्ता का तर्क है कि विपक्षी संस्थान “उद्योग” की परिभाषा में नहीं आता। जैसाकि अधिकरण द्वारा प्रकरण संख्या-सी. आई. टी. वर्ग-18/97 भागीरथ शर्मा बनाम मुपरिन्द्रेन्द्र, भारतीय पुरातत्व विभाग, जयपुर संकिल, जयपुर में पारित पंचाट दिनांक 25-11-99 में अभिनिधारित किया है। उनका तर्क है कि विपक्षी संस्थान “उद्योग” की परिभाषा में नहीं आने के कारण अधिनियम, 1947 के प्रावधान लागू नहीं होते। दूसरी ओर प्रार्थी के विद्वान अधिवक्ता का तर्क है कि उक्त प्रकरण में प्रार्थी की ओर से कोई साक्ष्य प्रस्तुत नहीं हुई थी व प्रार्थी की ओर में प्रकरण में कोई उपस्थित भी नहीं हुआ था व अप्रार्थी द्वारा प्रस्तुत की गई साक्ष्य एवं अप्रार्थी के विद्वान अधिवक्ता के द्वारा दिये गये तर्कों के आधार पर विपक्षी संस्थान को “उद्योग” नहीं माना। उनका तर्क है कि विपक्षी संस्थान “उद्योग” की परिभाषा में आता है। उस्होने अपने तर्क के समर्थन में ए. आई. आर. 1978 सुप्रीम कोर्ट पृष्ठ 548 बैंगलौर वाटर सप्लाई बनाम ए. रजप्पा, ए. आई. आर. 1998 सुप्रीम कोर्ट पृष्ठ 656 जनरल मैनेजर टेलीकॉम बनाम एस. श्रीनिवास-राव व अन्य व प. आर्ड आर. 1999 सुप्रीम कोर्ट पृष्ठ 941 मॉल इण्डिया रेडियो बनाम संतोष कुमार व अन्य को उद्दृत किया है।

उद्योग की परिभाषा अधिनियम, 1947 की भारा 2-जे में दी गई है, जो निम्न प्रकार है—

(j) “industry” means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workmen;”

1978 (2) एस. सी. सी. 213 बैंगलौर वाटर सप्लाई एण्ड सीवरेज बोर्ड बनाम ए. रजप्पा के मामले में उच्चतम न्यायालय ने उन्नीग को बांधे में यह अभिनिधारित किया है कि :

“140. “Industry”, as defined in Section 2 (j) and explained in Banerj (supra), has a wide import.

- (a) Where (i) Systematic activity, (ii) organized by co-operation between employer and employee (the direct and substantial element is chimerical).
- (i) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss e.g. making on a large scale prasad or food), *prima facie*, there is an “industry” in that enterprise.
- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.”

जनरल मैनेजर टेलीकॉम बनाम एस. श्रीनिवास-राव के मामले में यह अभिनिधारित किया गया है कि भारत सरकार का टेलीकॉम विभाग “Sovereign function” नहीं करना व “उद्योग” के तहत आता है। आॅल इण्डिया रेडियो बनाम संतोष कुमार के मामले में यह अभिनिधारित किया था कि आॅल इण्डिया व दूरदर्शन के कार्य “Sovereign function” प्रकृति के नहीं है व वे “उद्योग” के तहत आते हैं। 1996 1-एल. एल. जे. चीफ कन्जरवेटर आर्फ फोरेस्ट्स व अन्य बनाम जगन्नाथ मूर्ति कन्धारे व अन्य के मामले में उच्चतम न्यायालय के द्वारा 1960-1-एल. एल. जे. पृष्ठ 523 (एस सी) कारपरेशन आर्फ दी सीटी आर्फ नायपुर बनाम उसके कर्मचारीगण का संदर्भ दिया गया, जिसमें अभिनिधारित किया गया था कि वह कार्य जो कि राज्य के द्वारा, किसी दूसरे को नहीं सौंपे जा सकते, वे ही “Sovereign function” के तहत आते हैं। चीफ कन्जरवेटर आर्फ फोरेस्ट के मामले में उच्चतम न्यायालय ने “पंचांग पार्वती स्कीम” जो कि जगलाल एवं पर्यावरण के मंरक्षण के प्रयोजनार्थ थी, को तो सा नहीं पाया, जिसे निजी व्यक्ति को नहीं मौपा जा सकता।

हरकिशन काठपाल का कथन है कि विपक्षी संस्थान केंद्र सरकार द्वारा संरक्षित स्थल, स्मारक एवं पुरावशेषों तथा प्राचीन अमूल्य धरोहर और संस्कृति को जीवित रखने के उद्देश्य से विभिन्न स्मारकों/पुरावशेषों के रख-रखाव/मरम्मत रसायनिक रख-रखाव तथा पुरास्थलों के उत्खनन इत्यादि का कार्य किया जाता है। उसने स्वीकार किया है कि सरकार के आदेशानुसार मोनोमेंट्स को देखने के लिए प्रवेश शुल्क लिया जाना है। “उद्योग” की परिभाषा के अन्तर्गत आने के लिए प्रावश्यक नहीं है कि अरपान आगार्थ

हेतु ही चलाया गया हो। संविधान के भाग-4 राज्य के नीति निर्देशक तत्व के अन्तर्गत अनुच्छेद 48-ए में राज्य पर्यावरण के संरक्षण और बढ़ाने, जंगलों एवं वन्य जीवों की सुरक्षा के लिए उत्तरदायी होंगे, जबकि अनुच्छेद 49 में ऐतिहासिक महत्व के स्मारकों के संरक्षण का उल्लेख है। माननीय उच्चतम न्यायालय ने प्रोटेक्शन ऑफ इनवायरमेंट को "Sovereign Function" के तहत नहीं माना। ऐसी दशा में यह नियर्कर्त्ता नहीं निकाला जा सकता कि प्रोटेक्शन ऑफ मूर्मेंट्स राज्य के Sovereign Function के तहत आते हैं। जबकि उक्त संस्थान द्वारा उक्त कार्य "Sovereign Function" के तहत नहीं आते, ऐसी दशा में विषयकी संस्थान जो कि पुरातत्व स्मारक व पुरावशेषों के रख-रखाव का कार्य करता है, "उद्योग" की परिभाषा में आता है। अतः उक्त विवेचन के आधार पर विषयकी संस्थान "उद्योग" की परिभाषा में आना पाया जाता है व अधिनियम, 1947 के प्रावधान प्रार्थी संस्थान पर लागू होते हैं।

बिन्दु संख्या 2 :—प्रार्थी के द्वारा विषयकी संस्थान में दिनांक 30-12-92 तक कार्य किया जाना व दिनांक 31-12-92 को उसकी सेवा समाप्त होना प्रमाणित नहीं है व दूसरी ओर अप्रार्थी की ओर से प्रार्थी की सेवा दिनांक 6-11-1991 से समाप्त किया जाना प्रमाणित है। प्रार्थी के द्वारा विषयकी संस्थान में सेवा समाप्ति से पूर्व के एक वर्ष में 240 दिन कार्य किया जाना भी प्रमाणित नहीं है। प्रार्थी की ओर से ऐसा कोई साक्ष्य भी प्रस्तुत नहीं की गई कि सेवा समाप्ति के समय उससे कोई कर्तिष्ठ व्यक्ति अप्रार्थी संस्थान के नियोजन में था। ऐसी दशा में अधिनियम, 1947 की धारा 25-जी के प्रावधान भी आकृष्ट नहीं होते। प्रार्थी के विद्वान अधिकारी ने 1997 (76) एफ. एल. आर. पृष्ठ 393 ऑरियन्टल बैंक ऑफ कार्मस बनाम यूनियन ऑफ इण्डिया व अन्य, आर. एल. आर. 1991 (2) पृष्ठ 463 खादिम श्रावी बनाम स्टेट ऑफ राजस्थान व आर. एल. आर. 1991 (1) पृष्ठ 577 जनरल मैनेजर नोर्थेंट रेलवे, नई दिल्ली बनाम जज, केन्द्रीय औद्योगिक अधिकारण, नई दिल्ली को उद्दृत किया है। ऑरियन्टल बैंक ऑफ कॉर्पस के मामले में अधिनियम, 1947 की धारा 25-एच का उल्लंघन होना प्रमाणित पाया व कर्मकार को सहायता का अधिकारी होना पाया। आर. एल. आर. 1991 (2) पृष्ठ 463 के मामले में अधिनियम, 1947 की धारा 25-एफ का उल्लंघन होना प्रमाणित पाया। जनरल मैनेजर नोर्थेंट रेलवे, नई दिल्ली के मामले में अधिनियम, 1947 की धारा 25-जी का उल्लंघन होना प्रमाणित पाया था व नियम 1957 के नियम 77 का ग्राजापक होना अधिमिर्द्धरित किया। प्रस्तुत मामले में अधिनियम, 1947 की धारा 25-एच के उल्लंघन किए जाने के बारे में कोई निर्देश नहीं है, अतः उक्त बिन्दु पर विचार करने की आवश्यकता नहीं है। अधिनियम, 1947 की धारा 25-एफ एवं जी का उल्लंघन होना प्रमाणित नहीं पाया। जब प्रार्थी की सेवा समाप्ति ही दिनांक 31-12-92

को होना प्रमाणित नहीं है तो विचार करने की आवश्यकता ही नहीं रहती कि प्रार्थी की सेवा समाप्ति उचित है अथवा अनुचित व इस बिन्दु पर भी विचार करने की आवश्यकता नहीं रहती कि नियम 1957 के नियम 77 का उल्लंघन किया गया अथवा नहीं।

बिन्दु संख्या 3 व 7 :—निर्देश आदेशानुसार अधिकारण को यह निर्णीत करना है कि क्या प्रार्थी की सेवा समाप्ति दिनांक 31-12-92 उचित है? प्रार्थी की सेवा समाप्ति दिनांक 31-12-92 को होना ही नहीं पाई जाती। ऐसी दशा में उक्त बिन्दुओं पर विचार करने की आवश्यकता नहीं रहती।

बिन्दु संख्या 8 :—प्रार्थी की सेवा समाप्ति दिनांक 31-12-92 को किया जाना प्रमाणित नहीं है। ऐसी दशा में यह विचार करने की आवश्यकता ही नहीं रहती कि प्रार्थी की सेवा समाप्ति उचित है अथवा अनुचित। प्रार्थी उक्त विवाद बिन्दुओं के विनिश्चय के आधार पर कोई सहायता प्राप्त करने का अधिकारी नहीं है।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

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अध्यक्ष

नई दिल्ली, 15 फरवरी, 2001

का. आ. 5200.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के ग्रन्तसरण में केन्द्रीय सरकार नेशनल इंस्टीट्यूट ऑफ एरीकल्चरल मार्केटिंग के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकारण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[सं. एल-42012/2/97-आई.आर. (डी.पू.)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 15th February, 2001.

S.O. 520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Institute of Agricultural Marketing and their workmen, which was received by the Central Government on 15-2-2001.

[No. L-42012/2/97-IR(DU)]
KULDIP RAI VERMA, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकारण एवं श्रम न्यायालय, जयपुर

प्रकारण संख्या :—सी.जी.आई.टी./वी.-50/98
मामला संख्या :—एल-42012/2/97/गार्ड.पार. (डी.पू.)
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भगवतीनगर-II, करतारपुरा के पास, जयपुर। मर्फत ए.एन. गुप्ता, एडवोकेट, 9, सीतागम कॉलोनी, रामनगर, सोडाला, जयपुर।

—प्रार्थी

बनाम

डाइरेक्टर जनरल, नेशनल इन्स्टीट्यूट आफ एग्रीकल्चरल मार्केटिंग, सी-46, भरोजनी मार्ग, सी-स्कीम, जयपुर।

—प्रार्थी

उपस्थित.—

प्रार्थी की ओर से

श्री ए.एन. गुप्ता

अप्रार्थी की ओर से

श्री ग्रन्तुराम कुलश्रेष्ठ

पचाट दिनाक.— 2-2-2001

पचाट

केन्द्रीय सरकार के द्वारा निम्न विवाद, औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अविनियम, 1947 कहा गया है।) की धारा 10 की उपधारा (1) के खण्ड-घ के प्रावधानों के अन्तर्गत उक्त आदेश के जरिए न्यायान्तरिक्यन हेतु निर्देशित किया गया :—

“Whether the action of the Director General, National Institute of Agricultural Marketing, Jaipur is justified in not paying wages from 1-3-95 to 15-6-95 and terminating the services of Shri Lekh Raj Yadav, Attendant of Library, is legal and justified? If not, to what relief to the workman is entitled to?”

प्रार्थी की ओर से स्टेटमेंट आफ कलेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसकी प्रथम नियुक्ति 13-5-94 को अटेंडेन्ट कम सेवर के पद पर को गई थी। उसने विषयी संस्थान में दिनाक 13-5-94 से दिनाक 15-6-95 तक लगातार कार्य किया, जिस बावत् पुस्तकालय अध्यक्ष द्वारा दिनाक 15-6-95 को प्रमाण-पत्र जारी किया गया था। उसे जनवरी 1995 में 22/- रुपए प्रतिदिन की दर से व उसके पश्चात् 32/- रुपए प्रतिदिन की दर से मासिक वेतन दिया गया। उसने विषयी प्रबन्धक से मौखिक रूप से समान काम समान वेतन की मांग की, जिससे विषयी प्रबन्धक नाशज हो गए व दिनाक 15-6-95 को मौखिक आदेश से उसे सेवा से पृथक कर दिया। उसने सेवा समाप्ति भैं पूर्व एक वर्ष में 240 दिन से अधिक कार्य किया था। उसे अधिनियम, 1947 के प्रावधानों के तहन छठनी में पूर्व न तो एक माह का नोटिस दिया गया व न तोटिस के बदले से नोटिस वेतन व न मुआवजा व न अप्रैल, 1995 से 15-6-95 तक की अवधि के बेतन का भुगतान किया गया व इस प्रकार अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किया गया। उसकी सेवा समान करने से पूर्व कोई वरिष्ठना सूची भी नहीं तैयार की गई। प्रार्थना की गई कि प्रार्थी को सेवान्युक्ति को अवैध, अनुचित घोषित किया जाए व उसे निरन्तर सेवा में मानो इए पिछली गवाइ दिनांक जाए व दिनांक 1-4-95 से 15-6-95 तक का वेतन द्वारा राहिं रिलाया जाए।

प्रार्थी को ओर से स्टेटमेंट आफ कलेम का जवाब प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि विषयी संस्थान “उद्योग” की परिभाषा में नहीं आता व न प्रार्थी “श्रमिक” की परिभाषा में। प्रार्थी का दिनाक 13-5-94 से 31-3-95 तक अटेंडेन्ट कम सर्वेयर के पद पर दैनिक वेतनमोगी कमेचारी के रूप में कार्य करना तो स्वीकार किया गया परन्तु उसके द्वारा दिनाक 31-3-95 के पश्चात् 15-6-95 तक कार्य करने के क्यन को अस्वीकार किया गया व उल्लेख किया गया कि दिनाक 31-3-95 के पश्चात् प्रार्थी पिना किसी सूचना के अपने कार्य से अनुस्थित हो गया था। वह अच्छी नौकरी को तराश में था व ऐसा प्रतीत होता है कि जैसे ही उस अच्छी नौकरी पिनो उसने सम्बान में आना बद कर दिया। प्रार्थी हे द्वारा दिनाक 31-3-95 तक कुल 228 दिन कार्य करने का उल्लेख किया गया। वह भी उल्लेख किया गया कि पुस्तकालय अध्यक्ष द्वारा दिनाक 15-6-95 को प्रार्थी को दिया गया प्रमाण-पत्र प्रमाणदीन है। उस सम्बान पमुख की विना पूर्तिमुर्ति के प्रमाण-पत्र जारी करने का कोई प्रवक्ता नहीं है। पुस्तकालय अध्यक्ष ने दिनाक 15-5-95 का त्यागात्र प्रस्तुत कर दिया था व उसे दिनाक 15-6-95 को कार्यपूक्त किया गया था। इस मदर्म से पुस्तकालय अध्यक्ष से प्रार्थी के पक्ष में प्रमाणपत्र जारी करने वाला स्वीकारण पूछा गया तो उसो सूचित किया कि प्रगसांपत्र प्रार्थी के बरित्र प्रमाणपत्र के रूप में जारी किया गया। जवाब में यह भी उल्लेख किया गया कि यदि इस प्रमाण पत्र से सम्बान जा प्रहित होता है तो इस प्रमाणपत्र को रद्द समझा जाए। यह भी उल्लेख किया गया कि प्रार्थी ने अप्रैल, 95 से जून, 95 तक कार्य ही नहीं किया, अतः वह उक्त अवधि का वेतन प्राप्त करने का प्रतिकारी नहीं है।

प्रार्थी ने जवाब का प्रत्युत्तर प्रस्तुत किया, जिसमें उसने बोले में वर्णित तथ्यों को दोहराया।

पक्षकारी के अभिभवनों के प्राप्त पर निम्नाकित विवाद बिन्दु बनाए गए:—

(1) आया प्रार्थी ने दिल्ली सम्बान में दिनाक 13-5-94 से दिनाक 15/6/95 तक लगातार कार्य किया कि?

(2) आया विषयी सम्बान “उद्योग” को परिभाषा में नहीं आता व न प्रार्थी “श्रमिक” की परिभाषा में आता है?

(3) आया प्रार्थी दिनाक 31-3-95 के पश्चात् विना किसी सूचना के आदेश में अनुमित हो गया, यदि हा तो इसका प्रभाव?

(4) आया प्रार्थी के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ का उल्लंघन किया गया है?

(5) आप प्रार्थी की भेंतागुरुत्त करने के रागण को भिन्नता सूची जारी नहीं दी गई ?

(6) आप प्रार्थी दिनाक 1-4-95 से दिनाक 15-6-95 तक का वेतन प्राप्त करने का अधिकारी हैं ?

(7) प्रार्थी किस महायता को प्राप्त करने वा अधिकारी है ?

प्रार्थी की ओर से विवेद के समर्थन में स्वयं का शासनपत्र प्रस्तुत किया गया जिस पर उत्तिष्ठान करने का अवसर विक्षो के प्रधिकारी हो दिया गया । प्रार्थी की ओर से प्रतेकीय माध्यम पे प्रतिनिधि प्रभागपत्र प्रदर्श डब्ल्यू-1 व प्रतिनिधि नोटशीट प्रदर्श डब्ल्यू-2 से प्रदर्श डब्ल्यू-7 प्रस्तुत की गई । अप्रार्थी की ओर ने विवेक चतुर्वेदी, शनुभाग अधिकारी का शपथपत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिकारी को दिया गया । प्रतेकीय माध्यम मे प्रतिनिधि पत्र प्रशासनिक अधिकारी प्रदर्श डी-1, प्रतिनिधि पत्र बी के चक्रवर्ती डी-2, डी-3(एम-1) प्रस्तुत किये गये ।

बहस मुत्ती गई एवं पत्राधीनी का अवलोकन किया गया ।

बनाये गये विवाद विन्दुओं का विविच्य फैसल प्रकार किया जाता है—

विन्दु संख्या 1—यह विवादित नहीं है कि प्रार्थी ने दिनाक 13-5-94 से 31-3-95 तक विषयी सम्बन्ध मे दैनिक वेतनभोगी मजदूरी के आधार पर अटेंडेन्ट कम गवेंयर के रूप मे कार्य किया । प्रार्थी का कथन है कि उसम दिनाक 15-6-95 तक विषयी सम्बन्ध मे कार्य किया, जबकि विषयी का कथन है कि प्रार्थी ने दिनाक 31-3-95 तक कार्य किया । प्रार्थी ने अपने कथन के समर्थन मे उसने विषयी सस्थान मे दिनाक 15-6-95 तक कार्य करने वावत् पस्तकालय अध्यक्ष की नोटशीट प्रदर्श डब्ल्यू-7 दिनाक 15-6-95 व प्रभागपत्र प्रदर्श डब्ल्यू-1 की प्रतिनिधि प्रस्तुत की है । नोटशीट प्रदर्श डब्ल्यू-7 मे उल्लेख किया गया है कि प्रार्थी ने लाइब्रेरी शनुभाग मे अप्रैल, 95 य पर्छ, 95 की अवधि मे कार्य किया है, प्रन. उच्च अधिकारी के नेतृत्व का भुगतान उसे किया जाए । प्रभाग पत्र प्रदर्श डब्ल्यू-1 मे पुस्तकालय अध्यक्ष द्वारा उल्लेख किया गया है कि प्रार्थी ने दिनाक 13-5-94 से 15-6-95 की अवधि मे विषयी सम्बन्ध की लाइब्रेरी मे कार्य किया है । विषयी की ओर से प्रस्तुत साक्षी विवेक चतुर्वेदी का कथन है कि प्रार्थी ने दिनाक 31-3-95 तक ही कार्य किया था व पुस्तकालय अध्यक्ष बी.के. चक्रवर्ती द्वारा दिनाक 15-5-95 को दिया गया प्रभागपत्र प्रभाग-हीन है, क्योंकि उसे सस्थान प्रभाग की पूर्णिमति के दैसा प्रभागपत्र जारी करने का कोई अधिकार नहीं है । बी.के. चक्रवर्ती, पुस्तकालय अध्यक्ष ने दिनाक 15-5-95 वो मेना से रागणपत्र प्रस्तुत किया था व दिनाक 15-6-95 वो उन्हे धार्यमुक्त किया था । दिनाक 15-6-95 वो पूर्व 15 दिवसो की अवधि मे बी.के. चक्रवर्ती अवधि था ।

पत्र प्रदर्श डी-1 के द्वारा बी.के. चक्रवर्ती से प्रभागपत्र जारी करने के बारे मे स्पष्टीकरण मार्ग गया था, जिसके जयाव मे उसने सूचित किया था कि प्रभागपत्र उत्तिष्ठानपत्र के स्पष्ट मे जारी किया गया था, जिसका मुख्य उद्देश्य यह था कि पुस्तकालय ध्यवसाय मे किसी प्रच्छे पद का वह प्रयास कर सके । पत्र डी-2 द्वारा उसने यह भी सूचित किया था कि यदि प्रभागपत्र से सम्बन्ध का अहित होता है तो उसे रद्द समझा जावे । बी.के. चक्रवर्ती ने पत्र दिनाक 20-4-96 प्रदर्श डी-2 द्वारा यह भी सूचित किया था कि यदि प्रभागपत्र नौकरी प्राप्त करने के लिए उपायक नहीं पाया जाना है तो इसे रद्द समझा जाए । प्रतिपरीक्षा मे उसने स्वीकार किया है कि नोटशीट प्रदर्श डब्ल्यू-2 मे प्रदर्श डब्ल्यू-7 पर ए.मे.बी.हस्ताक्षर बी.के. चक्रवर्ती, पुस्तकालय अध्यक्ष के हूं व पुस्तकालय अध्यक्ष के नोट के आधार पर प्रार्थी को भुगतान किया जाना था । उसका कथन है कि पुस्तकालय अध्यक्ष के श्रवकाश पर होने के कारण लाइब्रेरी सहायक उमका कार्य करता था । उसने यह भी स्वीकार किया है कि प्रभागपत्र नोटशीट प्रदर्श डब्ल्यू-7 जिस पर प्रार्थी के द्वारा विषयी सम्बन्ध मे अप्रैल, व मई, 95 मे कार्य किए जाने का उल्लेख किया गया है, के बारे मे लाइब्रेरी सहायक से कोई रिपोर्ट नहीं मार्ग गई व ने दूस बाबत् जाच की कि प्रार्थी अप्रैल, 95 से मई, 95 के बीच कार्य पर ग्राम्य या नहीं । उसका यह भी कथन है कि प्रदर्श डब्ल्यू-7 नोटशीट कार्यालय मे उग्नवध है या नहीं उमकी जानकारी मे नहीं है । उमन स्वीकार किया है कि पत्र प्रदर्श डी-1 मे शप्रैल, 95 से जून, 95 तक प्रार्थी के द्वारा कार्य करने के बाबत् लूप प्रभागपत्र जारी किये जाने के बारे मे उसने बी.के. चक्रवर्ती को नहीं निखा ।

प्रार्थी के द्वारा कार्य करने के बाबत् विषयी की ओर से कोई रिकाई प्रस्तुत नहीं किया गया । कोई उपस्थिति रजिस्टर भी विषयी की आर से प्रस्तुत नहीं किया गया । प्रार्थी स्वयं ने स्वीकार किया है कि उमकी उपस्थिति दर्ज नहीं होती थी । ऐसी परिस्थितिया मे पुस्तकालय अध्यक्ष जिसके अधीन प्रार्थी कार्य करना था वही सक्षम अविक्त था जो फि यह प्रभागित करता कि प्रार्थी न किप अवधि मे कार्य किया । पुस्तकालय अध्यक्ष का दिनाक 15-6-95 से पूर्व 15 दिन की अवधि मे अवकाश पर होना बनाया जाता है । ऐसी दशा मे लाइब्रेरी सहायक मे इस बारे मे रिपोर्ट ली जा सकती थी कि प्रार्थी जून, 95 की अवधि मे कार्यरत था अथवा न ही । प्रभागपत्र प्रदर्श डब्ल्यू-1, जिसमे कि प्रार्थी का दिनाक 15-6-95 तक कार्य करने का उल्लेख है व नोटशीट प्रदर्श डब्ल्यू-7 प्रार्थी के द्वारा अप्रैल व मई, 95 मे कार्य किए जाने का उल्लेख है, के ग्रामन नकालोन प्रशासनिक अविकारी विवेक चतुर्वेदी ने कोई जाव भी नहीं की कि प्रार्थी उक्त अवधि मे कार्य पर ग्राम्य अवधा नहीं । बी.के. चक्रवर्ती पुस्तकालय अध्यक्ष ने विषयी के द्वारा भेजे गए पत्र के जवाब मे ऐसा उल्लेख नहीं किया कि नोट शीट प्रदर्श डब्ल्यू-7 दिनाक 15-6-95 मे प्रार्थी के द्वारा अप्रैल-मई, 95 मे कार्य किए जाने बाबत् अथवा प्रभागपत्र प्रदर्श डब्ल्यू-1 मे

जून, 95 तक प्रार्थी के द्वारा कार्य किये जाने के बाबत उल्लेख गलत है। उक्त परिस्थितियों में विषेश के साक्षी विवेच चतुर्वेदी के कथन पर कि प्रार्थी ने दिनांक 31-3-95 तक कार्य किया, विश्वास किया जाना कठिन है व दूसरी ओर प्रार्थी का कथन है कि उसने दिनांक 15-6-95 तक कार्य किया जिसका समर्थन पुस्तकालय अध्यक्ष सूची दिये गये प्रमाण-पत्र प्रवर्ण डब्ल्यू-1 व नोट शीट प्रदर्श डब्ल्यू-7 से होता है, विश्वसनीय प्रतीत होता है। अतः यह प्रमाणित है प्रार्थी ने दिनांक 13-5-94 से 15-6-94 तक विषेश संस्थान में लगातार कार्य किया।

बिन्दु संख्या 2:- प्रप्रार्थी के विवाद अधिकारी ने इस बिन्दु पर जोर नहीं दिया है, अतः इस बिन्दु का विनिश्चय प्रप्रार्थी के विरुद्ध किया जाना है।

बिन्दु संख्या 3:- बिन्दु संख्या-1 के विनिश्चय के आधार पर इस बिन्दु का विनिश्चय प्रप्रार्थी के विरुद्ध किया जाना है।

बिन्दु संख्या 4:- यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति में पूर्व प्रार्थी को अधिनियम, 1947 की धारा 25-एफ के प्रावधानों के अनुसार न तो एक माह का नोटिस दिया गया व न नोटिस वेतन व न क्षतिपूति व इस प्रकार अधिनियम 1947 की धारा 25-एफ का उल्लंघन कर प्रार्थी की सेवा समाप्ति किया जाना प्रमाणित है।

बिन्दु संख्या 5:- यह विवादित नहीं है कि प्रार्थी की सेवा समाप्ति के समय कोई वरिष्ठता सूची नहीं बनाई गई, अतः श्रीद्वयिक विवाद (केन्द्रीय) नियम, 1957 के नियम 77 का उल्लंघन किया जाना प्रमाणित है।

बिन्दु संख्या 6:- प्रार्थी के द्वारा दिनांक 1-4-95 से 15-6-95 के बीच विषेश संस्थान में कार्य किया जाना प्रमाणित है। यह विवादित नहीं है कि उक्त अवधि का वेतन विषेश के द्वारा प्रार्थी को नहीं दिया गया, अतः वह उक्त अवधि का वेतन प्राप्त करने का अधिकारी है?

बिन्दु संख्या 7:- बिन्दु संख्या 4 व 5 के विनिश्चय के आधार पर प्रार्थी की सेवा समाप्ति अनुचित व अवैध पार्द जाती है। प्रार्थी विषेश संस्थान में पुनः सेवा में आने का अधिकारी होगा। उसकी सेवा निरल्लर मानी जावेगी प्रार्थी पिछली मजदूरी के रूप में 50 प्रतिशत मजदूरी प्राप्त करने का अधिकारी होगा। प्रार्थी दिनांक 1-4-95 से 15-6-95 की मजदूरी भी प्राप्त करने का अधिकारी होगा।

प्रप्रार्थी अधिनियम, 1947 की धारा 25-एफ की पालना कर प्रार्थी की सेवा समाप्त करने के लिए स्वतंत्र होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाये।

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अध्यक्ष

नई दिल्ली, 15 फरवरी, 2001

का.आ. 521:—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार सब-डिवर्जनल ऑफिसर (फॉन्स) के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकारण जग्धपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-2-2001 को प्राप्त हुआ था।

[म.गन.-40011/7/89-ग्राइ.आर. (डी.पू.)]

कुलदीप राय वर्मा, डैम्क अधिकारी

New Delhi, the 15th February, 2001

S.O. 521.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sub Divisional Officer (Phones) and their workman, which was received by the Central Government on 15-2-2001.

[No. L-40011/7/89-IR(DU)]

KULDIP RAI VERMA, Desk Officer
ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. J-66/99

Reference No. L-40011/7/89/IR(DU)

Dated, 14-10-99

Shri Chotey Lal,
S/o Shri Kalkai,
R/o Puncchmukha Hanuman Mandir,
Ke Pass, Industrial Area,
Bikaner.

Applicant.

V/s.
The Sub Divisional Officer (Phones),
Bikaner-334001.

Non-applicant.

ATTENDANCE.

For the applicant: Shri Praveen Saxena.
For the non-applicant: Shri Asgar Khan
Date of Award: 19-1-2001.

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication:

“Whether the action of the management of Sub-Divisional Officer (P), Bikaner in terminating the services of Shri Chotey Lal, Casual Labour w.e.f. 01-09-87 is legal and justified? If not, to what relief the workman is entitled?”

The applicant filed the statement of claim stating that he was employed in the establishment of the non-applicant for the period July, 1985 to August, 1987 as class IV employee on causal basis. Some of the certificates were also issued to him by the non-applicant in respect of the work done by him. His job was to lay down the telephone lines, maintenance etc., which work was of continuous nature. His services however were terminated illegally without following mandatory provisions of Act, 1947. The breaks given in the service were artificial and manipulated to deprive of his legal rights. In the certificates Sundays and Holidays were not included in working days. The dispute was raised before the labour department but he did not get any response. He was, therefore, formed to file his petition in the High Court and according to the directions from the High Court the case was referred for adjudication. It was prayed that he may be reinstated with back wages. The non-applicant filed the reply to the claim stating that the claim has been filed after more than 12 years from the date of alleged termination and, therefore, is liable to be dismissed. It was stated that the applicant was engaged as a casual labour on daily basis from

October, 1985. He had worked on muster rolls and certificates were issued to him for the period he had worked. It was stated that the applicant had himself abandoned the job from 1-9-87. It was denied that the services of the applicant were terminated. It was also stated that the applicant did not complete 240 days work in a year.

On the basis of the pleadings of the parties the following points of disputes were framed :—

- (1) आया प्रार्थी ने विपक्षी संस्थान में जूलाई, 1985 से प्रगत्ति, 1987 तक निरन्तर कार्य किया ?
- (2) आया प्रार्थी की अप्रार्थी द्वारा दिनांक 1-9-87 से सेवा समाप्ति की गई ?
- (3) आया अप्रार्थी द्वारा प्रार्थी की सेवा समाप्ति अधिनियम, 1947 व उसके तहत अने नियमों का उल्लंघन कर की गई ?
- (4) आया प्रार्थी क्लेम देरी से प्रस्तुत किये जाने के कारण खारिज किए जाने योग्य है ?
- (5) आया प्रार्थी ने स्वयं ही दिनांक 1-9-87 से कार्य पर आना छोड़ दिया, यदि हो तो इसका प्रभाव ?
- (6) आया प्रार्थी किस महायना को प्राप्त करने का अधिकारी है ?

On behalf of the applicant the affidavit of the applicant was filed. The learned counsel of non-applicant was given opportunity to cross examine him on his affidavit. On behalf of the applicant certificates about the work of the applicant Annexures 1, 2, 3, copy of the failure report Annexure 4, and copy of order in writ Annexure 5 were filed. On behalf of the non-applicant affidavit of Jainarayan Garg, Sub-Divisional Engineer was filed.

Having arguments of both the parties and perused the record. The points are decided as follows :—

Point 1 :—The applicant has stated in his affidavit that he was appointed in the establishment of the non-applicant on daily wage in the month of July, 1985 and he continued to work there until August, 1987 continuously. In order that his service may not be continued, he was not given work for five to seven days. He has filed copies of the certificates. As per certificates Annexures 1, 2, 3 he worked as follows :—

ANNEXURE 1

Year and Month	Days
April 1986	9
June 1986	5
May 1986	27
Total :	41

ANNEXURE 2

Year and Month	Days
October 1985	27
November 1985	22
December 1985	27
January 1986	25
February 1986	23
March 1986	06
April 1986	03
April 1986	04
July 1986	04
Total :	141

ANNEXURE 3

Year and Month	Days
July 1986	15
August 1986	24
September 1986	25
October 1986	25
November 1986	25
December 1986	24
Total :	138

Year and Month	Days
January 1987	27
February 1987	24
March 1987	26
April 1987	26
May 1987	22
July 1987	22
August 1987	27
Total :	174

On behalf of the non-applicant Jainarayan Garg has stated that the applicant worked on daily wage basis on muster roll. He was given the certificates for the work he did in the establishment. He has stated in the year 1986 the applicant had worked for 138 days and in the year 1987 from January 1987 to August 1987 for 174 days. He has admitted that from 1st September, 1986 to 31st August, 1987 the applicant had worked for 273 days in which Sundays are not included. He has admitted the correctness of Annexures 1, 2, 3. It is, therefore, not disputed that the applicant had worked for the period mentioned in the above certificates. Even if Sundays and Holidays are included the applicant did not work in any year continuously. The applicant was working on muster-roll and he worked as per the requirement. The certificates show that in certain months he worked for 4 or 5 days only. It can not, therefore, be inferred that breaks were given in service knowingly so that the applicant may not complete 240 days in a year. Jainarayan Garg has admitted that before the alleged date of termination the applicant had worked for more than 240 days excluding Sundays. It is, therefore, proved that the applicant had worked in the establishment of the non-applicant for the period mentioned above and had completed more than 240 days in the year preceding to the date of alleged date of termination.

Points 2 and 5 : The applicant has stated that his services were terminated by the non-applicant from 1-9-87. On behalf of the non-applicant Jainarayan Garg has stated that the applicant himself had abandoned the job and did not present for duty after 1-9-87. It was also stated by him that when the applicant left the job he was not present. He, therefore, did not have personnel knowledge about leaving of the job by the applicant. Moreover the applicant raised the dispute about termination of his services on 8-12-87 i.e. after about 3 months from the date of termination. Had he left the job at his own he would not have raised the dispute. The statement of Jainarayan Garg that the applicant left the job himself is, therefore, not believable, and on the contrary it is proved that applicant's services were terminated by the non-applicant on 1-9-87.

Point 4 : There is not limit prescribed for raising dispute under the Act, 1947. Moreover, there is no delay on the part of applicant for raising the dispute. He had raised the dispute about termination of his service after about 3 months from the date of termination. His claim therefore, can not be dismissed because there being no delay in raising the dispute.

Point 3 : It is not disputed that Section 25(F) of the Act, 1947 was not complied with by the non-applicant by giving one month's notice or pay-in-lieu notice or retrenchment compensation at the time of termination of services of the

applicant. Violation of Section 25(F) of the Act, 1947 is, therefore, proved on the part of the non-applicant.

Point 6 : The termination of the services of the applicant w.e.f. 1-9-87 is held illegal and unjust on account of violation of 25(F) of Act, 1947. He will, therefore, be entitled to reinstatement in service with continuity. As regards back wages the applicant has stated that on availability of work he does work and earns Rs. 50 to Rs. 60 per day. In view of these circumstances the applicant will be entitled to 40 per cent of the back wages. He will not be entitled for wages for the period in the month of November 1987 in which he has worked as per the certificate Annexure 6. The non-applicant will be free to dispense with the service of the applicant after complying provisions of Section 25(F) of Act, 1947.

The copies of the Award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/- Illegible
Presiding Officer

नई दिल्ली 16 फरवरी, 2001

का.आ. 522—आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केंद्रीय सरकार मीनियर सुपार्टेन्ट, जी.पी.आ. हेड पोस्ट अफिस के प्रबंधनत्र के गंभीर नियोजकों और उनके कमेकरों के बीच, अनुबंध में निश्चिट आधिकारिक विवाद में केंद्रीय सरकार आधिकारिक अधिकारण न. 1, धनबाद के पंचाट वाले प्रकाशित करनी है, जो केंद्रीय सरकार द्वारा 16-2-2001 को प्राप्त हुआ था।

[म. ए.ल.-40012/5/98-प्राई यार (दी यू)]
कल्पना राज तर्फ, डैम्पक प्रान्तिकारी

New Delhi, the 16th February, 2001

S.O. 522 - In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal/Labour Court, No. I, Dhanbad, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of St. Suptd., G.P.O., Head Post Office, and their workman, which was received by the Central Government on 16-2-2001.

[No. L 40012/5/98-IR (DU)]

KULEDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 35 of 1998

PARTIES :

Employers in relation to the management of St. Suptd., G.P.O. (Head Post Office).

AND

Their Workman

PRESENT :

Shri Sarju Prasad,
Presiding Officer.

APPEARANCES :

For the Employers : None.

For the Workman : Shri M. K. Singh, Advocate

State : Jharkhand. Industry : Postal.

Dated, the 18th January, 2001

AWARD

By Order No. L-40012/5/98-IR(DU), dated 20-7-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

"Whether the action of management of Post, Ranchi in terminating the services of Shri Bishnupad Chatterjee is legal and justified? If not, to what relief the workman is entitled?"

2. This industrial dispute has been raised by Bishnupad Chatterjee claiming his termination from service unjustified.

3. The brief facts ; giving rise to this dispute is that the concerned workman, Bishnupad Chatterjee has claimed that he has worked as Extra Departmental Delivery Agent in Pandadil Branch Post Office between 1-8-90 to 9-3-96 including continuous service from 1-8-90 to 1-10-91. According to him, on 10-3-96 suddenly the service of the concerned workman Bishnupad Chatterjee, was terminated by verbal order of the then Inspector of Post Office and in his place a new person who had no previous experience was asked to join. According to the concerned workman, he protested vide his letter dated 20-3-96 against his termination order to the Senior Superintendent of Post Office, Ranchi, but to no effect. Public petitions were filed in support of the workman yet he was not reinstated. Further according to the concerned workman, to fill up the post of Extra Departmental Delivery Agent on regular basis the Department made advertisement to the Employment Exchange, Ranchi from where the name of the concerned workman was also forwarded and he participated in the interview before Selection Committee and Appointing Authorities, although such interview was not legal, yet instead of appointing the concerned workman one Raj Kishore Sabu was appointed who has no experience ignoring the claim of the concerned workman. Under these circumstances the concerned workman has claimed that the termination of the concerned workman is illegal for non-application of Sec 25-F of the Industrial Disputes Act and he is entitled to reinstatement and re-appointment with retrospective effect.

4. The management has not appeared nor has filed any written statement to contest the reference. Therefore the reference has been heard ex parte.

5. The concerned workman has examined himself and has filed certain papers including the notification of vacancy which has been marked Ext. W-5 and stand of the management before A.I.C. (C), Dhruba, Ext. W-9. From Ext. W-9 which has been filed by the concerned workman himself it appears that actually Shri Sukumar Chatterjee the brother of the concerned workman was E.D.D.A. at Pandadil Post Office and wherever Sukumar Chatterjee was to proceed on leave or to be shifted to some other place temporarily then in his place Bishnupad Chatterjee had worked as E.D.D.A. under responsibility of Sukumar Chatterjee. Bishnupad Chatterjee was never appointed as E.D.D.A. Pandadil, therefore legally there is no question of his reinstatement. Further according to the management there is no provision in the Department for regularisation of such worker. As per rule Bishnupad Chatterjee was Awazee (Substitute) worker in place of Sukumar Chatterjee on the responsibility of Sukumar Chatterjee who was never appointed by the Postal Department.

6. Further the concerned workman has filed the notification of Postal Department for filling up vacancy of E.D.D.A. at Pandadil Post Office which has been filed by the concerned workman and has been marked Ext. W-5. From this it appears that the Postal Department has notified to the

Employment Exchange, Ranchi, one post of E.D.D.A. is vacant for which name of three persons should be referred to the Department who must be between the age of 18 to 25 years and must have passed Class-VIII from recognised school and there were other conditions in that notification of vacancy by the Postal Department. The concerned workman has not stated that he was possessing the required educational qualification. Further, the concerned workman has not come to deny that he was working simply as Awayee (Substitute worker) in place of his own brother, Sukumar Chatterjee under the responsibility of Sukumar Chatterjee. The concerned workman has not claimed that he was given any appointment letter by the Postal Department. He has not even stated that he was not working as Awayee, E.D.D.A. in place of his brother, Sukumar Chatterjee on full responsibility of his brother. Thus, it is apparent that the concerned workman was never appointed E.D.D.A. by the Postal Department, rather, he was working as E.D.D.A. in place of his brother, Sukumar Chatterjee on the responsibility of his brother, Sukumar Chatterjee. Therefore, when he was not appointed by the management there is no question of termination. Since the arrangement was made by his own brother, Sukumar Chatterjee, rather, his regularisation as permanent E.D.D.A. would have been against the provision of constitution relating to equal opportunity for a job. It appears that the concerned workman wants to be inducted into service through back door method. He was asked by the Postal Department to appear for interview which he did, but he was not elected and other person was selected whom the management might have found to be more suitable for the job. The concerned workman in his evidence or written statement has nowhere stated that he fulfilled the educational qualification and other qualification, therefore, as a matter of right he cannot claim appointment only because he has worked for sometime as substitute worker in place of his own brother without being legally appointed by the Postal Department. Therefore, I find that the concerned workman is not entitled for regularisation or re-appointment as claimed by him.

7. In the result I render—

AWARD

That the action of the management is fully justified and the concerned workman is not entitled to any relief.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का. आ. 523.—ग्रीष्मीयिक विवाद अधिनियम, 1947 (1947 का 14) ती धारा 17 के अनुभरण में, केन्द्रीय सरकार (1) डाकरेक्टर, इण्डियन हैंडटीक्टिक ऑफ हैंडलम टेक्नोलॉजी (2) डाकरेक्टर, वीवरम् मिथिय सेन्टर, (3) डेवलपमेंट कर्मीशनर फॉर हैंडलमस् (4) रिजनल डेवलपमेंट आफिलर फॉर हैंडलमस् के प्रबंधनकाल के संबंध नियोजकों और उनके कर्मकारों के बीच, व्यावरण में निर्दिष्ट ग्रीष्मीयिक विवाद में आंदोलित अधिकारण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-2001 को प्राप्त हुआ था।

[सं. एल.-42012/68/95-आई आर (डी यू)
सं. एल.-42012/95/95-आई आर (डी यू)
सं. एल.-42012/96/95-आई आर (डी यू)
सं. एल.-42012/88/95-आई आर (डी यू)
सं. एल.-42012/89/95-आई आर (डी यू)
सं. एल.-42012/86/95-आई आर (डी यू)]

कुलदीप राय नर्सी, ईन्फो ग्रिडारी

New Delhi, the 16th February, 2001

S.O. 523.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Chennai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of (1) Director, Indian Instt. of Handloom Tech., (2) Director, Weaver's Service Centre, (3) Development Commr. for Handlooms, (4) Regional Development Officer for Handlooms and their workman, which was received by the Central Government on 16-2-2001.

[Nos. L-42012/68/95-IR(DU)
L-42012/95/95-IR(DU)
L-42012/96/95-IR(DU)
L-42012/88/95-IR(DU)
L-42012/89/95-IR(DU)
L-42012/86/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
CHENNAI

Tuesday, the 19th day of December, 2000

PRESENT :

Thiru S. R. Singharavelu, B.Sc., B.L.,
Industrial Tribunal.

Industrial Dispute Nos. 16 of 1996, 17 of 1996, 18 of 1996,
19 of 1996, 24 of 1996 and 79 of 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Indian Institute of Handloom Technology Salem and Weaver's Service Centre, Government of India).

In I.D. No. 16/96

BETWEEN

Smt. Kalaichelvi,
No. 166 Sivasakthy Layout,
New Siddapardur,
Coimbatore-641044.

AND

1. The Director,
Indian Institute of Handloom Technology,
Salem-636001.
2. The Director,
Weaver's Service Centre,
Government of India,
M/O Textiles,
520/521 Anna Salai,
Madras-600006.
3. Office of the Development Commr. for
Handlooms (enforcement wing) rep. by
Dy. Development Commr. for Handloom,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.
4. Regional Development Officer for Handlooms,
Regional Enforcement Office Weavers Centre,
C1-B Rajaji Bhavan,
Chennai-600090.

(Mgt. 2 & 3 were impleaded as per the Order in M.A.
No. 135/99 dt. 17-12-99).

REFERENCE :

Order No. L-42012/68/95-IR(DU) dt. 15-2-96, Ministry
of Labour, Government of India New Delhi.

In I.D. No. 17/96

BETWEEN

Sh. J. Baskaran,
C/o Kalichelvi,
No. 166, Sivasakthy, Layout
New Siddapudur,
Coimbatore-641044.

AND

1. The Director,
Indian Institute of Handloom Technology,
Salem-636001.
2. The Director,
Weaver's Service Centre,
Government of India,
M/o Textiles,
520/521, Anna Salai,
Madras-600006.
3. Office of the Development Commr. for
Handlooms for (Enforcement Wings) rep. by
Dy. Development Commr. for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.
4. Regional Development Officer for Handlooms,
Regional Enforcement Office Weavers Centre,
C1-B, Rajaji Bhavan,
Chennai-90.

REFERENCE :

Order No. L-42012/95/95-IR(DU) dt. 15-2-96, Ministry
of Labour, Government of India, New Delhi.

In I.D. No. 18/96

BETWEEN

Sh. Duraiswamy,
C/o A. Ponniah,
E.S.I. Office,
1992 D. No.
Ramanathapuram,
Coimbatore-641045.

AND

1. The Director,
Indian Institute of Handloom Technology,
Salem.
2. The Director,
Weaver's Service Centre,
Government of India,
M/o Textiles,
520/521, Anna Salai,
Madras-600006.
3. Office of the Development Commr. for
Handlooms (Enforcement Wing) rep. by
Dy. Development Commr. for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.
4. Regional Development Officer for Handlooms,
Regional Enforcement Office Weaver's Centre,
C1-B Rajaji Bhavan,
Besant Nagar,
Chennai-90.

REFERENCE :

Order No. L-42012/96/95-IR(DU) dated 15-2-96,
Ministry of Labour, Government of India, New
Delhi.

In I.D. No. 19/96
BETWEEN

Sh. B. Ramalingam,
S/o Balakrishnan,
5/18, Kurichipadur,
Sundarapuram P.O.,
Coimbatore-641024.

AND

1. The Director,
Indian Institute of Handloom Technology,
Salem-636001.
2. The Director,
Weaver's Service Centre,
Government of India,
M/o Textiles,
520/521, Anna Salai,
Madras-600006.
3. Office of the Development Commr. for Handlooms
(Enforcement Wing) rep. by
Dy. Development Commr. for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.
4. Regional Development Officer for Handlooms,
Regional Enforcement Office Weavers Centre,
C1-B Rajaji Bhavan,
Besant Nagar,
Chennai-90.

REFERENCE :

Order No. L-42012/88/95-IR(DU), dt. 15-2-96, Ministry
of Labour, Government of India, New Delhi.

In I.D. No. 24/96

BETWEEN

Ms. R. Santhi,
107, M.G.R. Street,
Pappanaickenpalayam,
Coimbatore-641037.

AND

1. The Director,
Indian Institute of Handloom Technology,
Salem-636001.
2. The Director,
Weaver's Service Centre,
Government of India,
M/o Textiles,
520/521 Anna Salai,
Madras-600006.
3. Office of the Development Commr. for Handlooms
(Enforcement Wing) rep. by
Dy. Development Commr. for Handlooms,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.
4. Regional Development Officer for Handlooms,
Regional Enforcement Office Weavers Centre,
C1-B Rajaji Bhavan,
Besant Nagar,
Chennai-90.

REFERENCE :

Order No. L-42012/89/95-IR(DU), dated 26-2-96,
Ministry of Labour, Government of India New
Delhi.

In I.D. No. 79/95

BETWEEN

Shri S. Kalimuthu,
6/12 Thilagi Kumaran St.,
Canapathy post,
Coimbatore-641006.

AND

1. The Director, Indian Institute of Handloom Technology, Salem-636001.
2. The Director, Weaver's Service Centre, Government of India, Ministry of Textiles, 520/521, Anna Salai, Madras.
3. Office of the Development Commr. for Handlooms (Enforcement Wing) rep. by Dy. Development Commr. for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi.
4. Regional Development Officer for Handlooms, Regional Enforcement Office Weavers Centre, C1-B Rajaji Bhavan, Besant Nagar, Chennai-90.

REFERENCE :

Order No. L-42012/86/95-IR(DU) dt. 15-11-95 30-11-95,
Ministry of Labour, Government of India, New Delhi.

These disputes coming on for final hearing on Monday, the 20th day of November, 2000 upon pursuing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru D Hariparanthaman, for Thiru K. Chandru, advocate appearing for the workmen and of Thiru R. Karunakaran, Addl. Standing Government Counsel appearing for the management in all the disputes and these disputes having stood over till this day for consideration, this Tribunal made the following Common :

I.D. No. 16 of 1996

AWARD

The Government of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of Smt. S. Kalaichelvi working at Salem, is just, proper and legal ? If not, what relief the concerned workman is entitled to ?"

2. The main averments found in the Amended Claim Statement of the Petitioner are as follows :

The Petitioner was appointed by an Order dated 8-5-86 as Stenographer Gr. III by the respondent in temporary capacity, at their office at Coimbatore. Accordingly, the petitioner joined the duty on 18-6-86. Subsequently by an Order dated 24-4-1987, the petitioner's service was extended upto 29-2-1988. The petitioner's service was further extended upto 28-2-1991. By an order dated 29-7-91 her service was extended upto 30-9-91. In the meanwhile, the enforcement wing of the Regional office of the Development Commissioner for Handlooms was shifted to Salem w.e.f. 1-10-1991. To the shock of the petitioner by an Order dated 30-9-91 she was relieved on 30-9-91 without assigning any reason. She was not offered compensation and notice pay as required under the provisions of the Industrial Disputes Act, 1947. The Conciliation officer fixed a Meeting on 29-1-92. In that meeting he drew up a minutes dated 29-1-92 and got the signatures of the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of the illegal advice given by the Conciliation officer they were forced to sign those minutes agreeing to close the conciliation proceedings. She along with other workmen filed an Original application before the Madras Bench of the Central Administrative Tribunal seeking for a direction to the Conciliation officer to send her failure report. The said original application being O.A. No. 850 of 1992 was allowed by setting aside the minutes dated 29-1-92 and with a further direction to conciliate on the issue. When the matter was pending before the Conciliation officer, the respondent sent a notice dated

16-2-94 and asked the petitioner to appear for an interview and test for a short term vacancy on adhoc basis at their Madras office. Immediately the petitioner sent a reply dated 28-2-94 stating that since her dispute was pending before the Conciliation officer she has right to get confirmed before the post. Therefore, she did not attend the interview since it was for a short term vacancy. The Order terminating her services is wholly illegal, unjust and liable to be interfered with by this Tribunal.

3. The main averments found in the Counter statement of the respondent are as follows :

The petitioner was a Central Government employee, she was governed by the C.C.S. rules. She can seek her remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Stenographer Grade-III in the Regional office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore, set up under the Office of the Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi and not by the respondent. Therefore, the matter is beyond the jurisdiction of the Industrial Tribunal. The petitioner's services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Government of India, and also blanket stay on the operation of Handlooms (Reservation of Articles for Production) Act 1985 granted by the Supreme Court adhoc appointments made against the temporary posts created were not extended beyond 30-9-91. The petitioner has misrepresented the facts by claiming that she is an employee of IIHT, Salem while the fact is that she was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner while approaching Central Administrative Tribunal, has projected herself as workmen of Indian Institute of Handloom Technology while she was fully aware of the fact that she was the adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The Ministry of Labour while issuing orders of adjudication dated 30-11-95 was not aware of the fact that the petitioner was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. In the month of December 1993, the Office of the Development Commissioner for Handlooms has decided to open the Regional Enforcement office at Madras and the work relating to appointment of staff on adhoc basis was entrusted to the Director, Weavers Service Centre, 520/521, Anna Salai, Teynampet, Madras-600018. As advised by the Office of the Development Commissioner for Handlooms, New Delhi Smt. S. Kalaichelvi, who was previously working as Stenographer Gr. III at Regional Enforcement office, Coimbatore was also called for interview/test on 2-3-94 at Weavers Service Centre, she had not attended the interview/test and person called for from the Employment Exchange. The respondent prays to dismiss the petition.

4. On behalf of petitioner/workman, WW1 Smt. Kalaiselvi has been examined and Ex. W1 to W29 were marked. On behalf of respondent, Ex. M1 to M8 were marked by consent. In I.D. No. 17 of 1996.

5. The Government of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of Sri J. Basakran working at Salem, is just, proper and legal ? If not, what relief the concerned workman is entitled to ?"

6. The main averments found in the Amended Claim statement of the petitioner are as follows :

The petitioner was appointed by an Order dated 24-9-86 as Staff Car Driver by the respondent in temporary capacity, at their office at Coimbatore. Accordingly, the petitioner joined the duty on 13-10-86. After serving for a period of 5 years, the petitioner was suddenly informed that his services was extended upto 30-9-91. No reason was given for issuing such an order. In the mean while, the enforcement wing of the Regional office of the Development Commissioner for Handlooms was shifted to Salem w.e.f. 1-10-91. The petitioner was not given any offer for transferring his service to Salem even though he had completed more than 5 years of service

in the respondent establishment. To the shock of the petitioner by an order dated 30-9-91 he was relieved on 30-9-91 without assigning any reason. At the time of dispensing with his services, he was not offered compensation and notice pay as required under the provisions of the Industrial Disputes Act, 1947. The conciliation officer issued a notice dated 13-1-92 to the respondent. The Conciliation officer fixed a Meeting on 29-1-92. In that meeting he drew up a minutes dated 29-1-92 and got the signatures of the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of the illegal advice given by the Conciliation officer they were forced to sign those minutes agreeing to close the conciliation proceedings. He along with other workmen filed an Original application before the madras Bench of the Central Admn. Tribunal seeking for a direction to the Conciliation officer to send his failure report. The said original application being O.A. No. 850 of 1992 was allowed by setting aside the minutes dated 29-1-92. The order terminating the petitioner's services is wholly illegal, unjust and liable to be interfered with by this Tribunal.

7. The main averments found in the Counter Statement of the respondent are as follows :

The petitioner was a Central Government Employee, he was governed by the C.C.S. rules. He can seek his remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Staff Car Driver in the Regional office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore, set up under the Office of the Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi and not by the respondent. Therefore, the matter is beyond the jurisdiction of the Industrial Tribunal. His services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Government of India, and also blanket stay on the operation of Handlooms Act 1985 granted by the Supreme Court, adhoc appointments made against the temporary posts created were not extended beyond 30-9-91. The petitioner has mis-represented the facts by claiming that he is an employee of IIHT, Salem while the fact is that he was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner while approaching Central Administrative Tribunal, has projected himself as workmen of the Indian Institute of Handloom Technology while he was fully aware of the fact that he was the adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The Ministry of Labour while issuing orders of adjudication dated 30-11-95 was not aware of the fact that the petitioner was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. In the month of December 1993, the office of the Development Commissioner for Handlooms has decided to open the Regional Enforcement office at Madras and the work relating to appointment of staff on adhoc basis was entrusted to the Director, Weavers Service Centre, 520/521, Anna Salai, Teynampet, Madras-18. The petitioner had been offered appointment in the Regional office of the Development Commissioner for Handlooms (Enforcement Wing) Madras against the existing temporary post. As he had not reported for duty on the stipulated date, person called for from the employment exchange had been selected and appointed. The respondent prays to dismiss the petition.

8. On behalf of petitioner, Ex. W1 to W14 were marked by consent. On behalf of respondent/management, Ex. M1 to M4 were marked by consent. No witnesses were examined for both sides.

In I.D. No. 18 of 1996

9. The Govt. of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of R. Duraisamy working at Salem, is just proper and legal? If not what relief the concerned workman is entitled to?"

10. The main averments found in the Amended Claim Statement of the petitioner are as follows :

The petitioner was appointed by an Order dated 30-11-89 as Watchman (Night duty) by the respondent in temporary capacity, at their office at Coimbatore. According, the petitioner joined the duty on 20-11-1989. After serving for a period of one year and nine months, the petitioner was suddenly informed that his service was extended upto 30-9-91. No reason was given for issuing such an order. In the meanwhile, the enforcement wing of the Regional Office of the Development Commissioner for Handlooms was shifted to Salem w.e.f. 1-10-91. The petitioner was not given any order for transferring his service to Salem even though he had completed more than 5 years of service in the respondent establishment. To the shock of the petitioner by an Order dated 30-9-91 he was relieved on 30-9-91 without assigning any reason. At the time of dispensing with his services he was not offered compensation and notice pay as required under the provisions of the I.D. Act, 1947. The Conciliation Officer issued a notice dated 13-1-92 to the respondent. The Conciliation Officer fixed a Meeting on 29-1-92. In that meeting he drew up a minutes at 29-1-92 and got the signatures of the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of the illegal advice given by the Conciliation Officer they were forced to sign those minutes agreeing to close the Conciliation Proceedings. The petitioner along with other workmen filed an Original Application before the Madras Bench of the Central Administrative Tribunal seeking for a direction to the Conciliation Officer to send his failure report. The said original application being O.A. 850 of 1992 was allowed by setting aside the minutes dated 29-1-92. The petitioner prays to pass an award holding that the termination of the services of the petitioner is illegal.

11. The main averments found in the Counter Statement of the respondent are as follows :

The petitioner was a Central Govt. Employee, he was governed by the C.C.S. Rules. He can seek his remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Chowkidar in the Regional Office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore, set up under the Office of the Development Commissioner for Handlooms Ministry of Textiles, Udyog Bhavan, New Delhi and not by the respondent. Therefore, the matter is beyond the jurisdiction of the Industrial Tribunal. His services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Govt. of India and also blanket stay on the operation of Handlooms (Reservation of Articles for Production) Act 1985 granted by the Supreme Court, adhoc appointments made against the temporary post created were not extended beyond 30-9-91. The petitioner has misrepresented the facts by claiming that he is an employee of IIHT, Salem while the fact is that he was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner was appointed in adhoc basis. The petitioner while approaching Central Administrative Tribunal, has projected himself as workmen of Indian Institute of Handloom Technology while he was fully aware of the fact that he was the adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The Ministry of Labour while issuing orders of Adjudication dated 30-11-95 was not aware of the fact that the petitioner was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. In the month of November 1993, the Office of the Development Commissioner for Handlooms has decided to open the Regional Enforcement Office at Madras and the work relating to appointment of staff on adhoc basis was entrusted to the Director, Weavers Service Centre, 520/521, Anna Salai, Teynampet, Madras-18. The petitioner had been offered appointment in the Regional office of the Development Commissioner for Handlooms (Enforcement Wing) Madras against the existing temporary post. As he had not reported for duty on the stipulated date, person called for from the employment exchange had been selected and appointed. The respondent prays to dismiss the petition.

12. On behalf of petitioner, Ex. W1 to W17 were marked by consent. On behalf of respondent, Ex. M1 to M9 were marked by consent. No witnesses were examined for both sides.

In I.D. No. 19 of 1996

13. The Govt. of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of B. Ramalingam working at Salem, is just, proper and legal? If not, what relief the concerned workman is entitled to?"

14. The main averments found in the Claim Statement of the petitioner are as follows :

The petitioner was appointed by an Order dated 8-5-96 as Peon by the Respondent in temporary capacity, at their office at Coimbatore. Accordingly, the petitioner joined the duty on 11-6-86. Subsequently by an Order dated 24-4-87, the petitioner's service was extended upto 29-2-88. The petitioner's service was further extended upto 28-2-89. By an Order dated 27-3-91 the service of the petitioner was further extended upto 30-9-1991. In the meanwhile the enforcement wing of the Regional office of the Development Commissioner for Handlooms was shifted to Salem w.e.f. 1-10-91. To the shock of the petitioner by an Order dated 30-9-91 without assigning any reason, At the time of dispensing with his services, he was not offered compensation and notice pay as required under the provisions of the Industrial Disputes Act, 1947. The Conciliation Officer issued a notice dated 13-1-92 to the respondent. The Conciliation Officer fixed a Meeting on 29-1-92. In that meeting he drew up a minutes dated 29-1-92 and got the signatures of the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of the illegal advice given by the Conciliation Officer they were forced to sign those minutes agreeing to close the conciliation proceedings. Thereafter on legal advice, the petitioner sent a petition dated 14-2-92. He along with other workmen filed an Original Application before the Madras Bench of the Central Administrative Tribunal seeking for a direction to the Conciliation Officer to send his failure report. The said original application being O.A. 850/92 was allowed by setting aside the Minutes dated 29-1-92 and with a further direction to conciliate on the issue. The Order terminating his services is wholly illegal.

15. The main averments found in the Counter statement of the respondent are as follows :

The petitioner was a Central Govt. employee, he was governed by the C.C.S. Rules. He can seek his remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Peon in the Regional office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore set up under the Office of the Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhawan, New Delhi and not by the respondent. Their services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Govt of India, and also blanket stay on the operation of Handlooms (Reservation of Articles for Production) Act, 1985 granted by the Supreme Court, adhoc appointment made against the temporary posts created were not extended beyond 30-9-91. The petitioner has misrepresented the facts by claiming that he is an employee of IIHT, Salem while the fact is that he was an adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner while approaching Central Administrative Tribunal has projected himself as workmen of Indian Institute of Handloom Technology while he was fully aware of the fact that he was the adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. The Ministry of Labour while issuing orders of adjudication dated 30-11-95 was not aware of the fact that the petitioner was an adhoc employee of Regional office of the Development Commissioner for Handlooms (EW) Coimbatore. Sri B. Ramalingam who was previously working as Peon at Regional Enforcement office Coimbatore was also called for interview/test on 2-3-94 at Weavers Service Centre 520/521, Anna Salai, Teynampet, Madras 18. The respondent prays to dismiss the petition.

16. On behalf of petitioner, Ex. W1 to W16 were marked by consent. On behalf of respondent, Ex. M1 to M19 were marked by consent. No witnesses were examined for both sides.

In I.D. No. 24 of 1996

17. The Govt. of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of Smt. Shanhi working at Salem, is just, proper and legal? If not, what relief the concerned workman is entitled to?"

18. The main averments found in the Amended Claim Statement of the petitioner are as follows :

The petitioner was appointed by an Order dated 8-5-96 as Stenographer Gr. III by the respondent in temporary capacity, at their office at Coimbatore. Accordingly, the petitioner joined the duty on 29-5-91. Subsequently by an Order dated 24-4-87, the petitioner's service was extended upto 30-9-91. In the meanwhile, the enforcement wing of the Regional Office of the Development Commissioner for Handlooms was shifted to Salem w.e.f. 1-10-1991. The petitioner was not given any offer for transferring her service to Salem even though she had completed more than 5 years of service in the respondent establishment. To the shock of the petitioner by an Order dated 30-9-91 she was relieved on 30-9-91 without assigning any reason. At the time of dispensing with her services, she was not offered compensation and notice pay as required under the provisions of the Industrial Disputes Act, 1947. The Conciliation Officer fixed a Meeting on 29-1-92. In that meeting he drew up a minutes dated 29-1-92 and got the signatures of the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of illegal advice given by the Conciliation Officer they were forced to sign those Minutes agreeing to close the conciliation proceedings. Thereafter on legal advice, the petitioner sent a petition dated 14-2-92. She along with other workmen filed an Original Application before the Madras Bench of the Central Administrative Tribunal. The said original application being O.A. No. 850 of 1992 was allowed by setting aside the minutes dated 29-1-92 and with a further direction to conciliate on the issue. The order terminating her services is wholly illegal.

19. The main averments found in the Counter Statement of the Respondent are as follows :

The petitioner was a Central Government employee, she was governed by the C.C.S. Rules. She can seek her remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Stenographer Grade III in the Regional Office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore, set up under the Office of the Development Commissioner for Handlooms Ministry of Textiles, Udyog Bhawan, New Delhi and not by the respondent. Her services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Government of India and also blanket stay on the operation of Handlooms (Reservation of Articles for Production) Act, 1985 granted by the Supreme Court adhoc appointments made against the temporary posts created were not extended beyond 30-9-91. The petitioner had misrepresented the facts by claiming that she is an employee of IIHT, Salem while the fact is that she was an adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner while approaching Central Administrative Tribunal seeking recourse under I.D. Act has projected herself as workmen of Indian Institute of Handloom Technology while she was fully aware of the fact that she was the adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner Smt. R. Shanhi who was previously working as Stenographer Grade-III at Regional Enforcement Office, Coimbatore was also called for interview/test on 2-3-94 at Weaver's Service Centre 520/521 Anna Salai, Teynampet, Madras 18. The respondent prays to dismiss the petition.

20. On behalf of petitioner, Exs. W1 to W21 were marked by consent. On behalf of respondent, Exs. M1 to M21 were marked by consent. No witnesses were examined for both sides.

In I.D. No. 79 of 1995

21. The Government of India has referred the following issue for adjudication by this Tribunal:

"Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of Sri S. Kalimuthu, Ex-Peon, working at Coimbatore w.c.f. 30-9-91 is just, proper and legal? If not, what relief the concerned workman is entitled to?"

22. The main averments found in the Claim Statement of the petitioner are as follows:

The petitioner was appointed by an Order dated 24-9-1986 as Peon by the Respondent in temporary capacity at their office at Coimbatore. Accordingly the petitioner joined the duty on 10-10-1986. After serving for a period of 5 years, the petitioner was suddenly informed by an Order dated 30-8-81 that his services was extended upto 30-9-91. No reason was given for issuing such an order. In the meanwhile, the enforcement wing of the Regional Office of the Development Commissioner for Handlooms was shifted to Salem w.c.f. 1-10-91. The petitioner was not given any offer for transferring his service to Salem even though he had completed more than 5 years of service in the respondent establishment. To the shock of the petitioner by an Order dated 30-9-91 he was relieved on 30-9-91 without assigning any reason. At the time of dispensing with his services, he was not offered compensation and notice pay as required under the provisions of the Industrial Disputes Act, 1947. The Conciliation Officer fixed a Meeting on 29-1-92 and got the signatures of the petitioner and other workers. Since the petitioner and other workers were not legally aware of the issue regarding the applicability of the Industrial Disputes Act and on the basis of the illegal advice given by the Conciliation Officer they were forced to sign those Minutes agreeing to close the Conciliation Proceedings in view of the so-called decision of the Government of India taken earlier. He along with other workman filed an Original application before the Madras Bench of the Central Administrative Tribunal seeking for a direction to the Conciliation Officer to send his failure report. The said original application being O.A. 850 of 1992 was allowed by setting aside the Minutes, dated 29-1-1992 and with a further direction to conciliate on the issue. The Order terminating his services is wholly illegal, unjust and liable to be interfered with.

23. The main averments found in the Counter Statement of the respondent are as follows:

The petitioner was a Central Government employee, he was governed by the C.C.S. Rules. He can seek his remedy before the Central Administrative Tribunal. The petitioner was appointed on adhoc basis to the post of Peon in the Regional Office of the Development Commissioner for Handlooms (Enforcement Wing) Coimbatore, set up under the Office of the Development Commissioner for Handlooms, Ministry of Textiles, Udyog Bhavan, New Delhi and not by the respondent. Therefore, the matter is beyond the jurisdiction of the Industrial Tribunal. The petitioner's services had been continued upto 30-9-91 on adhoc basis. In the light of the economy drive by the Government of India and also blanket stay on the operation of Handlooms Act, 1985 granted by the Supreme Court, adhoc appointments made against the temporary posts created were not extended beyond 30-9-91. The petitioner has misrepresented the facts by claiming that he is an employee of IIHT Salem, while the fact is that he was an adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. The petitioner while approaching Central Administrative Tribunal has projected himself as workmen of Indian Institute of Handloom Technology while he was fully aware of the fact that he was the adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. The Ministry of Labour while issuing orders of adjudication dated 30-11-95 was not aware of the fact that the petitioner was an adhoc employee of Regional Office of the Development Commissioner for Handlooms (EW) Coimbatore. In the month of December 1993, the Office of the Development Commissioner for Handlooms has decided to open the Regional Enforcement Office at

Madras and the work relating to appointment of staff on adhoc basis was entrusted to the Director, Weavers Service Centre, 520-521, Anna Salai, Teynampet, Madras-18. Sri S. Kalimuthu, who was previously working as Peon at Regional Enforcement Office, Coimbatore called for interview/test on 3-3-94 at Weavers Service Centre, 520-521, Anna Salai, Madras-18. He had not attended the interview/test. The respondent pleads to dismiss the petition.

24. On behalf of petitioner, Exs. W1 to W10 were marked by consent. On behalf of respondent, Exs. M1 to M4 were marked by consent. No witnesses were examined for both sides.

25. The Point for consideration is: Whether the action of the Director, Indian Institute of Handloom Technology, Salem in terminating the services of the workmen in I.D. Nos. 16/96 to 19/96, 24/96 and 79/95 working at Salem is just, proper and legal? If not, what relief the concerned workmen are entitled to?

26. Evidence was taken in I.D. No. 16/96 and bothsides filed Memo imputing such evidence to all other Industrial Disputes and to pass a Common Award.

27. The Point : The petitioners-Claimants in the above Six Industrial Disputes namely I.D. Nos. 16/96 to 19/96, 24/96 and 79/95 are respectively (1) Kalaiselvi (Stenographer), Baskaran (Driver), Doraisamy (Watchman), Ramalingam (Peon) Shanthi (Stenographer) and Kalimuthu (Peon). They were first appointed respectively on 8-5-86 as per Ex. W3 in I.D. No. 16/96, 21-10-86 as per Ex. W2 in I.D. No. 17/96, 30-11-89 as per Ex. W2 in I.D. No. 18/96, 8-7-86 as per Ex. W2 in I.D. No. 19/96, 8-5-86 as Ex. W1 in I.D. No. 24/96 and 21-10-86 as per Ex. W2 in I.D. No. 79/95.

28. These appointments were made by the respondent namely Ministry of Textile, Udyog Bhavan, New Delhi. The Deputy Development Commissioner for Handlooms has signed in the Order of appointment. It is said that all these appointments were made on adhoc basis. It is in order to ensure the implementation of Handlooms (Reservation of Articles for Production) Act, 1985, in four Southern States and the Union Territories, Regional Office of the Development Commissioner for Handlooms (Enforcement Wing) at Coimbatore was constituted. The object was to render assistance to the enforcement officials. The services of the above employees were continued on adhoc basis from time to time by separate orders upto 30-9-91. In the meantime, a Stay was said to have been granted by the Supreme Court of India on the operation of Handlooms (Reservation of Articles for Production) Act, 1985; and there was economy drive by the Government of India. Therefore, the adhoc appointments of the above employees in the temporary post were not able to be extended beyond 30-9-91. Thus on that day, there was an Order of relieving of the above employees made by the Director and Regional Enforcement Officer. A reading of the relieving order made under Exs. W3, W4, W5, W6, and W7 respectively in the above Industrial Dispute Nos. 16/96 to 19/96, 24/96 and 79/95 etc. would go to show that those employees were finally relieved on 30-9-91 thereby meaning a Termination of Service.

29. A renewal of their services of reappointment on adhoc basis in each of the above cases were shown under Exs. W4 to W10 in I.D. No. 16/96. By that order, the extension of service was given for Mrs. Kalaiselvi, Ramalingam and Shanthi, the claimants in I.D. Nos. 16/96, 19/96 and 24/96.

30. A careful perusal of Order of Appointment of each of the applicant and the extension of service given to Smt. Shanthi, Kalaiselvi and Ramalingam will go to show that there was no mention of any particular period. On the other-hand what was commonly mentioned thereunder was that the appointment was purely temporary and on adhoc basis. Even in the Orders of appointment for rest of the Claimants namely Baskaran, Doraisamy and Kalimuthu, there was no mention made about the period for appointment. We have to first testify whether at all those appointments are adhocwise, as claimed by the management.

31. It is true that once an appointment is for a fixed period, Section 25F does not apply, as it is covered by clause BB

of Section 2(oo) of the Act. In fact it was so held in A.I.R. 1996 Supreme Court p. 1001 between State of Rajasthan and Others, Appellants V. Ramchwar Lal Gahlot, as follows :

"When the appointment is for a fixed period unless there is finding that power under clause (bb) of Section 2(oo) was misused or vitiated by its malafide exercise, it cannot be held that the termination is illegal. In its absence, the employer could terminate the services in terms of the letter of appointment, unless it is a colourable exercise of power. It must be established in each case that the power was misused by the management or the appointment for a fixed period was a colourable exercise of power. Therefore, where the termination is in terms of letter of appointment saved by clause (bb), neither reinstatement nor fresh appointment could be made."

32. Again the learned Counsel for the Management drew our attention to 1994 II LLN p. 59 between Deb Nath Das and Birwanath Ghose and Others, wherein it was held that :

"Where an initial appointment is only adhoc and not according to rules and made as a stop gap arrangement, the officiation in such posts cannot be taken into account for considering the seniority."

33. While considering that the facts of the cited case fall within the ambit in Maharashtra Engineer's case (1990 I LLN. 1028) it was observed as follows :

"Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation. The corollary of the above rule is that where the initial appointment is only adhoc and not according to rule and made as a stop-gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

... If the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularisation of his service in accordance with the rules, the period of officiating service will be counted."

Again it was observed in that case as follows :

"In such cases, the deficiency in the procedural requirements laid down by the rules has to be cured at the first available opportunity, without any default of the employee, and the appointee must continue in the post uninterruptedly till the regularisation of his service, in accordance with the rules. In such cases, the appointee is not to blame for the deficiency in the procedural requirements under the rules at the time of his initial appointment, and the appointment not being limited to a fixed period of time is intended to be a regular appointment, subject to the remaining procedural requirements of the rules being fulfilled at the earliest. In such cases also, if there be any delay in curing the defects on account of any fault of the appointee, the appointee would not get the full benefit of the earlier period on account of his default, the benefit being confined only to the period for which he is not to blame. This category of cases is different from those covered by the corollary in conclusion (A) which relates to appointment only on adhoc basis as a stop gap arrangement and not according to rules."

34. So far as appropriate application of clause (bb) of Section 2(oo) of the Act straight cases of real adhoc appointments may attract those provisions. But if the appointment itself was a colourable exercise of power as mentioned in A.I.R. 1996 Supreme Court 1001 then clause (bb) above mentioned may not be applicable. That is why it was held in 1996 II S.L.R. p. 16 :

"that it is settled law that on abolition of the post, the existing holder of the post ceases to continue from

the date of abolition of the post. Since the termination of the service of the respondent, an adhoc employee is only due to abolition of the post, the question of conducting the enquiry under Rules does not arise."

In fact, there are catena cases which deals with the misuse of power or the colourable exercise of power of management in matters or appointments. Some such cases were produced as Case Laws by the workman. They are 1997 W.L.R. Report p. 181, 1992 I LLN 150, 1994 II LLJ p. 373, and 1986 I LLJ S.C. p. 127.

35. The first mentioned cited case namely 1997 W.L.R. p. 181 at P. 184 between P. Shanmuganathan V. The Registrar Tamil University, Thanjavur and 2 others, the following was observed :

"Sub clause (bb) to clause (oo) of Section 2 of the Act was added in the year 1984. Of course, the intention of the Parliament in enacting sub clause (bb) to clause (oo) of Section 2 of the Act was to exclude certain categories of workers from the definition of 'retrenchment'. But, there is nothing in sub clause (oo) which enables an unscrupulous employer to terminate the service of the workers on the ground of non-renewal of their contract even when the work for which they were employed subsists. The exception as contained in sub clause (bb) will have to be strictly construed and clause (bb) should be made applicable only to such cases where the work ceases with the employment or the post itself ceases to exist. In our view, clause (bb) cannot be made applicable to a case when the employer resorts to contractual employment as a device to simply take it out of clause (oo) of Section 2 of the Act notwithstanding the fact that the work for which the workmen are employed continues or the nature of duties which the workman was performing are still in existence.

The material available in the instant case disclose that the construction activity for the Tribal Research Centre at Udhagamandalam alone had ceased but that Centre is still in existence and functioning from there. When the services of the appellant were terminated with effect from the afternoon of 4-8-1989, the post of Watchman in the Tribal Research Centre and the duties performed by the appellant continued to exist.

As already stated, the nature of duties performed by the appellant as Watchman continued to exist even after the services of the appellant were terminated.

In the circumstances, it cannot be said that the service of the appellant was terminated on the ground that the post of Watchman in the Tribal Research Centre itself ceased to exist. In view of the above discussion, there is no difficulty in coming to the conclusion that the termination of the services of the appellant amounts to retrenchment within the meaning of Section 2(oo) of the Act."

36. In the second cited case, namely 1992 I LLN. p. 150 at p. 154 between K. Rajendra and Director (Personnel) Project and Equipment Corporation of India Ltd. New Delhi, and another, it was observed as follows :—

"As stated above, the terminations which are included in Sub-Cl. (bb) are those which are brought about either because of non-renewal of the contract or because of expiry of time stipulated in the contract of employment. It needs no further explanation but the probability of the employer exploiting the labour by giving fixed tenure appointments can never be overruled and, therefore, it would be improper and unwise simply to decide the nature of employment on the basis of letter of appointment issued by the employer.

A stipulation in the contract that the employment would be for a specific period or till completion of the work may also fall within the scope and ambit of this sub-clause. But if the employer resorts to

contractual employment as a device to simply take it out of the principal Cl. (oo) irrespective of the fact that the work continues or the nature of duties which the workman was performing are still in existence, such contractual engagements will have to be tested on the anvil of fairness, propriety and bona-fides. May be that such fixed tenure employments are made to frustrate the claim of the workman to become regular or get himself confirmed as a permanent employee either under the rules applicable to such employment or even under the Standing Orders. It is always open to the Court adjudicating the dispute to examine each and every case in its proper perspective and to protect the workman against the abuse of the amended provision. If this protection is not afforded, the benefit flowing from retrenchment to which every termination succumbs, would be rendered nugatory. The amended sub Cl. (bb) would apply only to such cases where the work ceases with the employment or the post itself ceases to exist or such other analogous cases where the contract of employment is found to be fair, proper and bonafide."

37. In the third cited case namely 1994 (2) LLJ p. 373 at p. 376 between Jayabharat Printers and Publishers Pvt. Ltd And Labour Court, Kozhikode and Ors, it was observed as follows:—

"In a similar situation, Division Bench of the Allahabad High Court examined the scope of Section 2(oo) (bb). In the course of judgement the Court observed that the nature of employment must be judged by the nature of duties performed and not on the letter issued by the employer, that if contractual employment is resorted to as a mechanism to frustrate the claim of the employee to become regular or permanent against a job which continues or the nature of duties is such that colour of contractual agreement is given to take it out from Section 2(oo), then such agreement cannot be regarded as fair or bonafide and that section 2(oo) (bb) cannot be extended to such cases where the job continues and the employee's work is also satisfactory but periodical renewals are made to avoid regular status to employees. I am in respectful agreement with the view expressed in these decisions. Section 2(oo)(bb) has to be strictly interpreted and it is necessary to find out whether the letter of appointment is a camouflage to circumvent the provisions of the Industrial Disputes Act which confers the benefit of permanency on workers who worked continuously for a period of more than 240 days."

38. In the 4th cited case, namely 1986 I LLJ p. 127 at p. 131 between Shri H D. Singh And Reserve Bank of India and Others, it was observed as follows:

"Striking off the name of a workman from the rolls by the employer amounts to termination of service and such termination is retrenchment within the meaning of S. 2(oo) of the Act if effected in violation of the mandatory provision contained in S. 25-F, and is invalid."

It was made clear that a comprehensive definition has to be effectuated to protect the weak against the strong in construing the ambit of the words contained in S. 2(oo). Pithily he observed that "without further ado we reach the conclusion that if the workman swims into the harbour of S 25-F he cannot be retrenched without payment at the time of retrenchment, compensation promised or prescribed therein read with S 25-B(2)."

The 5th schedule of the Industrial Disputes Act contained a list of unfair labour practices as defined in S. (ra). Item 10 reads as follows:

"To employ workmen as 'Pals' except as temporaries and to continue them as such for years "with the object of depriving them of the status and privileges of permanent workmen."

... It has been our said experience to find employer trying to stifle the efforts of employees in their legitimate claims seeking benefits under the Industrial Law by tiring them out in adjudication proceedings raising technical and hyper technical pleas. Industrial adjudication in bonafide claims have been dragged on by employers for years together on such pleas."

39. Thus the catena of cases show that it would be improper to decide the nature of employment on the basis of letter of appointment alone. Again, employing workmen as temporaries, so as to continue them as such for years, with the object of depriving their status and privileges is also unfair labour practice. Thus periodical renewals in order to avoid regular status to employees is condemnable. So long as the nature of duties continued, the post cannot be abolished and until the post is abolished, We have to safeguard the interest of the employee.

40. But as found in 1990 (1) L N 1028, the officiation in a post which the appointment was not made in accordance with the rules and made only with adhocism, (then such officiation) may not be taken into account for considering the seniority. When the appointment even though made an adhoc basis, not being limited to fixed period, could be construed as regular appointment, subject to the remaining procedural requirements being fulfilled at the earliest (underline supplied to stron the factor).

41. In this case, we have to peruse the Order of appointment. They are Ex. W3 in I.D. 16/96, Ex. W2 in I.D. Nos. 17/96 to 19/96 and I.D. 79/95. Ex. W1 in I.D. 24/96. It is only in Ex. W2 in I.D. Nos. 18/96 and 19/96 which are the appointment orders of Mr. Doraisamy and Ramalingam, there is a mention that the appointment is for a fixed period of one year. Although, the names of Smt. Shanthy and Kalaiselvi are included in Ex. W2 in I.D. No. 19/96, their actual appointments are earlier in time namely 8-5-86, and the orders were respectively marked as Ex. W3 in I.D. No. 16/96 and Ex. W1 in I.D. No. 24/96. Both of the above Order of appointment of Kalaiselvi and Shanthy do not mention that they were for the fixed period of one year. Therefore, the mentioning for one year also for Shanthy and Kalaiselvi in Ex. W2 in I.D. No. 19/96 which deals only with the appointment of Ramalingam, does not matter much. Thus a careful perusal of entire orders of appointment do show that except for Ramalingam and Doraisamy, the respective order of appointment of other do not mention the tenure of one year. Thus we find two kinds of cases; one set of appointment without mentioning tenure of one year in the appointment order and they are for Kalaiselvi, Baskaran, Kalimuthu and Shanthy who are the respective petitioners in I.D. Nos. 16/96, 17/96, 79/95 and 24/96; the other kind of appointments is for Doraisamy and Ramalingam, the claimants in I.D. Nos. 18/96 and 19/96 in as much as their orders of appointment alone mention a tenure for a year.

42. But this categorisation has no significance because there was no abolition of post of Doraisamy as Watchman and Ramalingam as Peon. Since there is no abolition of office, these posts are presumably in existence. Likewise since there was no abolition of office, the post of driver occupied by Baskaran, the post of Peon occupied by Kalimuthu, and post of Stenographer occupied by Mr. Shanthy and Kalaiselvi also are presumably in existence. The very description that they were temporarily appointed has no bearing because, any device to deprive the status and privilege of permanent workman will not hold good. In this case, in order to prove that it is only a device of negation of status and privilege of a permanent workman, we have got an indicator namely that, the office has never been abolished. To mention again the fact that the office was not abolished would clearly indicate the existence of the post. In fact that is why subsequent to 10-9-91 there was resiling of such post made by appointing other candidates. Thus the description that the posts were temporary, made in the appointment order is of no use for the employer, since it was found as a device to deprive the benefit of the employee. As mentioned in 1997 W.L.R. p. 181 there is nothing in sub-clause (oo) which enables unscrupulous employer to terminate the service of the workers, on the ground of non-renewal of their contract even when the work for which they were employed subsists. Therefore the appointment made on the basis of adhoc, without following the features of the procedure mentioned in the concerned

rules, will only make the employee to suffer in respect of arraying of their names in the list of seniority. Excepting for the seniority in all other matters, they have to be given the privileges of regular and permanent employee. This is as per the observations made in the above cited Case Laws. Thus they cannot be retrenched except under Section 25F of the Act. There was no compensation or one month pay paid. But there was a re-appointment offered to them. Actually the employees did not prepare to join duty but only expressed their willingness to join duty without prejudice to their claim. They could have joined duty by availing the reinstatement Orders, thereby making their position static enough to claim regularization ab initio as and when they were asked to undergo the recruitment procedure mentioned in the Rules. By refusing to join duty they have themselves acted adversely. Their representation that they are entitled for automatic regularization without being asked to undergo the procedure for recruitment, mentioned in the status or rules, is not the correct approach. It is true that instead of reappointment which was not availed of by some employees, the other employees got only interview cards. They also have not attended the interview by way of protest.

43. Ex. W20 in I.D. 16/96 and Ex. M4 in I.D. 24/96 and I.D. 79/95 respectively are Memorandum dated 16-2-94 issued by the respondent for Kalaiselvi, Shanthy and Kalimuthu respectively for an Interview test. Ex. W10 in I.D. No. 18/96 is such a letter issued to Doraikathy calling him for an Interview for the post of Chowkidar. Ex. M4 in I.D. 17/96, is the Off. Memo dated 2-12-94 issued to Baskaran appointing him for the post of Staff Car Driver. Ex. M5 in I.D. 19/96 is the Appointment Order dated 26-10-94 issued to Rama Lingam for the post of Peon.

44. It is pertinent to note that in pursuance of the Call for interview issued for the claimants in I.D. Nos. 16/96, 18/96, 24/96 and 79/95 they have not appeared. Similarly, in pursuance of the appointment order issued to the claimants in I.D. Nos. 17/96 and 19/96 they have not joined. Instead what they did was to make a written protest. Kalaiselvi has stated through Ex. W21 that although she had received an Interview notice dated 16-2-94 what she was entitled is for automatic re-employment as per Section 25F of the Industrial Disputes Act, 1947. She said that she could not appear for the Interview and test. In the same manner, the other claimants also neither attended the interview nor accepted the re-appointment. Again they have effectively made a representation through Exs. W8 and W9 marked in I.D. No. 16/96 reiterating the fact that they are not accepting the interview or re-appointment order. Even now they say that they are entitled for not only reinstatement but for a permanent regularization. They cannot refuse to undergo the procedure of regular recruitment provided in rules.

45. It has been mentioned in 1994 II LLN 59, that—

"Where the initial appointment is only adhoc and not according to rules and made as a stop gap arrangement, the officiation in such post cannot be taken into account for considering seniority."

The adhoc appointments in question were made by the Public Works Department in the exigencies of Public service pending recruitment of Assistant Engineers through the Public Service Commission; and on the express condition that the concerned officers would have to revert if they failed to be selected by the Public Service Commission for appointment as Assistant Engineers."

It was further observed as follows:

"The submission of Sri Sanghi that their initial adhoc appointment must be treated as having been made in accordance with the rules since the selection by an alternative made, namely, by a Committee of five Chief Engineers was resorted to on account of the emergency, cannot be accepted."

46. Thus the initial appointment made not according to rules but only as temporary appointments may ensure all benefits including regularization except seniority and that presupposes a condition that the claimant must whenever called for undergo the test for regular appointment according to rules. In the meantime, all extensions may go to the benefit

of the claimants, and they are entitled to get regularized as and when they successfully get through the test prescribed under the rules. But to say that they will not go to the test at all will be suicidal. To instruct the management not to direct the claimant to undergo for such a test and to declare themselves that the claimants need not undergo any such test is unacceptable. The facts in all these cases do go to show that the claimants have not only insisted to accept the Order of reinstatement after the termination but also declared themselves that they are entitled for a regular appointment without undergoing the procedural Test prescribed in rules. By making this representation they have actually obtained from attending the Interview. They have forgotten the fact that their appointment was made temporarily as a stop gap arrangements and to meet out the exigencies of the circumstances. They have taken no care to see that they have to fulfil the requirement of undergoing the prescribed test. Death of the same is suicidal as mentioned earlier. Thus, even after the termination, the opportunity given to the claimants was refused to avail of by them. They can now have no grudge or grievance. We are helpless to help them. Therefore, their claims are not accepted. The termination was effectuated by workmen themselves. We have no other go except to accept the Order of Termination or making it justified. Award passed accordingly. No costs.

Dated at Chennai, this 19th day of December, 2000.

THIRU. S. R. SINGHARAVELU, Industrial Tribunal

I.D. No. 16 of 1996

Witnesses Examined

For Petitioner/Workmen : WW1 : Kalaiselvi

For Respondent/Management : None

For Petitioner/Workman :

Ex. W1 4-4-86 : Letter from District Employment Exchange, Coimbatore to the Petitioner.

Ex. W2 4-4-86 : Call letter from the respondent calling the petitioner for Interview.

Ex. W3 8-5-86 : Order appointing the petitioner as Stenographer Grade-III.

Ex. W4 8-7-86 : Orders extending the services of the petitioner.

Ex. W5 24-4-87 : Orders extending the services of the petitioner.

Ex. W6 21-3-88 : Orders extending the services of the petitioner.

Ex. W7 20-2-89 : Orders extending the services of the petitioner.

Ex. W8 26-2-90 : Orders extending the services of the petitioner.

Ex. W9 27-3-91 : Orders extending the services of the petitioner.

Ex. W10 27-3-91 : Orders extending the services of the petitioner.

Ex. W11 29-7-91 : Orders extending the services of the petitioner.

Ex. W12 19-7-91 : Letter informing the shifting of the office from Coimbatore to Salem.

Ex. W13 30-9-91 : Order terminating the services of the petitioner.

Ex. W14 10-10-91 : Application by the petitioner to the Asst. Labour Commissioner, Madras.

Ex. W15 3-12-91 : Remarks filed by the respondent.

Ex. W16 29-1-92 : Proceedings of the Asst. Commr. of Labour closing the Conciliation proceedings.

Ex. W17 14-2-92 : Representation by the Petitioner to the Asst. Commr. of Labour to re-open the Conciliation proceedings.

Ex. W18 27-9-93 : Order in O.A. 850/92 seeking aside the Proceedings of the A.C.L. dated 29-1-92 and directing to initiate Conciliation proceeding afresh.

Ex. W19 3-12-93 : Petitioner to the Asst. Commr. of Labour to initiate conciliation proceedings.

Ex. W20 16-2-94 : Letter calling the petitioner for Interview/test for the post of Stenographer.

Ex. W21 28-2-94 : Letter by the petitioner to provide re-employment without any interview.

Ex. W22 20-4-94 : Notice of Conciliation.

Ex. W23 8-6-94 : Remarks filed by the respondent.

Ex. W24 13-7-94 : Rejoinder for the above remarks.

Ex. W25 11-8-94 : Proceedings of the Asst. Commr. of Labour advising the respondent to provide employment for the petitioner.

Ex. W26 26-9-94 : Failure Report.

Ex. W27 9-5-95 : Proceedings of the Asst. Commr. of Labour Communicating the Failure of Conciliation.

Ex. W28 7-10-91 : Representation made by the petitioner and other employees with acknowledgement.

Ex. W29 11-11-91 : Representation made by the petitioner and other employees with acknowledgement.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner.

Ex. M2 to Ex. M7 : Extension orders issued to the petitioner.

Ex. M8 : Interview/test Memorandum sent to the petitioner.

I.D. No. 17 of 1996

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None

Documents marked

For Petitioner/Workman :

Ex. W1 24-9-86 : Order by the respondent offering employment to the petitioner.

Ex. W2 21-10-86 : Appointment order issued to the petitioner.

Ex. W3 19-7-91 : Order informing the shifting office from Coimbatore to Salem.

Ex. W4 30-9-91 : Order by the respondent terminating the services of the petitioner.

Ex. W5 10-10-91 : Application by the petitioner Under Section 2A of the I.D. Act.

Ex. W6 3-12-91 : Remarks filed by the respondent.

Ex. W7 13-1-92 : Conciliation notice issued by A.C.L.

Ex. W8 29-1-92 : Proceedings of the Asst. Commr. of Labour.

Ex. W9 24-2-92 : Letter by the petitioner to the Asst. Labour Commissioner to re-open the dispute for conciliation.

Ex. W10 8-9-94 : Conciliation notice by Asst. Commr. of Labour.

Ex. W11 23-9-94 : Remarks filed by the respondent.

Ex. W12 31-5-95 : Failure report.

Ex. W13 7-10-91 : Representation made by the petitioner and other employees with ack.

Ex. W14 11-11-91 : Representation made by the petitioner and other employees with ack.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner.

Ex. M2 : Extension orders issued to the petitioner.

Ex. M3 : Relieving order issued to the petitioner.

Ex. M4 : Order of appointment issued to the petitioner.

I.D. No. 18 of 1996

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None

Documents marked

For Petitioner/Workman :

Ex. W1 2-11-89 : Order by the respondent offering employment to the petitioner.

Ex. W2 30-11-89 : Appointment order issued to the petitioner.

Ex. W3 19-7-91 : Order informing the shifting of office from Coimbatore to Salem.

Ex. W4 30-9-91 : Order by the respondent terminating the services of the petitioner.

Ex. W5 10-10-91 : Application by the petitioner U/Sec. 2A of the I.D. Act.

Ex. W6 3-12-91 : Remarks filed by the respondent.

Ex. W7 13-1-92 : Conciliation notice issued by Asst. Commr. of Labour.

Ex. W8 29-1-92 : Proceedings of the Asst. Commr. of Labour.

Ex. W9 14-2-92 : Letter by the petitioner to the Asst. Labour Commr. to re-open the dispute for conciliation.

Ex. W10 16-2-94 : Letter by respondent calling the petitioner for interview.

Ex. W11 28-2-94 : Reply by the petitioner to the above letter.

Ex. W12 26-10-94 : Letter from the respondent offering employment to the petitioner afresh.

Ex. W13 12-11-94 : Reply to the above letter by the petitioner.

Ex. W14 6-1-95 : Order cancelling the offer of appointment.

Ex. W15 15-2-96 : Order of reference.

Ex. W16 7-10-91 : Representation made by the petitioner and other employees with acknowledgement.

Ex. W17 11-11-91 : Representation made by the petitioner and other employees with acknowledgement.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner.

Ex. M2 : Extension orders issued to the petitioner.

Ex. M3 : Relieving order issued to the petitioner.

Ex. M4 : Interview Memorandum sent to the petitioner.

Ex. M5 : Offer of Appointment issued to the petitioner.

Ex. M6 : Letter dt. 12-11-94 received from the petitioner.

Ex. M7 : Telegram issued on 1-12-94 to the petitioner.

Ex. M8 : Copy of Telegram dt. 26-11-94 received from the petitioner.

Ex. M9 : Letter dt. 7-12-94 received from the petitioner.

I.D. No. 19 of 1996

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None

Documents marked

For Petitioner/Workman :

Ex. W1 8-5-96 : Offer of appointment.

Ex. W2 8-7-86 : Appointment order issued to the Petr.

Ex. W3 24-4-87 :
21-3-88
20-2-89 :
26-2-90 : Order extending the services of the petitioner.
27-3-91 :
29-7-91 :
Ex. W4 19-7-91 : Order informing the shifting of office from Coimbatore to Salem.
Ex. W5 30-9-91 : Order by the respondent terminating the services of the petitioner.
Ex. W6 10-10-91 : Application by the petitioner U/Sec. 2A of the I.D. Act.
Ex. W7 3-12-91 : Remarks filed by the respondent.
Ex. W8 13-1-92 : Conciliation notice issued by Asst. Commr. of Labour.
Ex. W9 29-1-92 : Proceedings of the Asst. Commr. of Labour.
Ex. W10 14-2-92 : Letter by the petitioner to the Asst. Labour Commr. to re-open the dispute for Conciliation.
Ex. W11 13-7-94 : Letter from the petitioner to Asst. Commr. of Labour.
Ex. W12 11-8-94 : Proceedings of the Asst. Labour Commr.
Ex. W13 28-9-94 : Proceedings of the Asst. Labour Commr.
Ex. W14 15-2-96 : Order of reference.
Ex. W15 7-10-91 : Representation made by the petitioner and other employees with Ack.
Ex. W16 11-11-91 : Representation made by the petitioner and other employees with Ack.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner.
Ex. M2 : Extension orders issued to the petitioner.
Ex. M3 : Relieving order issued to the petitioner.
Ex. M4 : Interview Memorandum sent to the petitioner.
Ex. M5 : Offer of appointment issued to the petitioner.
Ex. M6 : Letter dt. 12-11-94 received from the petitioner.
Ex. M7 : Telegram issued on 1-12-94 to the petitioner.
Ex. M8 : Copy of Telegram dt. 26-11-94 received from the petitioner.
Ex. M9 : Letter dt. 7-12-94 received from the petitioner.

I.D. No. 24 of 1996

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None

Documents marked

Ex. W1 8-5-1986 : Order appointing the petitioner as Stenographer Grade III.
Ex. W2/series
8-7-86 :
24-4-87 :
21-3-88 :
20-2-89 :
26-2-90 : Order extending the services of the petitioner.
27-3-91 :
Ex. W3 29-7-91 : Order extending the services of the petitioner.
Ex. W4 22-7-91 : Letter informing the shifting of the office from Coimbatore to Salem.
Ex. W5 30-9-91 : Order terminating the services of the Petitioner.

Ex. W6 10-10-91 : Application by the petitioner to the Asst. Labour Commr(C) Madras.
Ex. W7 3-12-91 : Remarks filed by the respondent.
Ex. W8 29-1-92 : Proceedings of the Asst. Commr. of Labour closing the Conciliation proceedings.
Ex. W9 14-2-92 : Representation by the petitioner to the Asst. Commr. of Labour to re-open the Conciliation proceedings.
Ex. W10 27-9-92 : Order in O.A. 850/92 setting aside the proceedings of the Asst. Commr. of Labour dt. 29-1-92 and directing to initiate Conciliation proceedings afresh.
Ex. W11 3-12-93 : Petitioner to the Asst. Commr. of Labour to initiate Conciliation Proceedings.
Ex. W12 16-2-94 : Letter calling the petitioner for Interview/test for the post of Stenographer.
Ex. W13 28-2-94 : Letter by the petitioner to provide re-employment without any interview.
Ex. W14 20-4-94 : Notice of Conciliation.
Ex. W15 8-6-94 : Remarks filed by the respondent.
Ex. W16 13-7-94 : Rejoinder to the above remarks.
Ex. W17 11-8-94 : Proceedings of the Asst. Commr. of Labour advising the respondent to provide employment to the petitioner.
Ex. W18 28-9-94 : Failure report.
Ex. W19 10-7-95 : Proceedings of the Asst. Commr. of Labour communication the failure of Conciliation.
Ex. W20 7-10-91 : Representation made by the petitioner and other employees with acknowledgement.
Ex. W21 11-11-91 : Representation made by the petitioner and other employees with acknowledgement.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner.
Ex. M2 : Extension orders issued to the petitioner.
Ex. M3 : Relieving order issued to the petitioner.
Ex. M4 : Interview test/Memorandum sent to the petitioner.
Ex. M5 : Offer of appointment issued to the petitioner.
Ex. M6 : Letter dt. 12-11-94 received from the petitioner.
Ex. M7 : Telegram issued on 1-12-94 to the petitioner.
Ex. M8 : Copy of Telegram dt. 26-11-94 received from the petitioner.
Ex. M9 : Letter dt. 7-12-94 received from the petitioner.

I.D. No. 79 of 1995

Witnesses Examined

For Petitioner/Workman : None

For Respondent/Management : None

Documents marked

For Petitioner/Workman :

Ex. W1 24-2-86 : Order by the respondent offering employment to the petitioner.
Ex. W2 21-10-86 : Appointment order issued to the petitioner.
Ex. W3 13-3-91 : Order by the respondent extending the services of the petitioner.
Ex. W4 30-9-91 : Order by the respondent terminating the services of the petitioner.
Ex. W5 10-10-91 : Application by the petitioner U/Sec. 2A of the I.D. Act.
Ex. W6 29-1-92 : Proceedings of the Asst. Labour Commr.
Ex. W7 24-2-92 : Letter by the petitioner to the Asst. Labour Commr. to re-open the dispute for Conciliation.

Ex. W8 30-11-95 : Order of reference.

Ex. W9 7-10-91 : Representation made by the petitioner and other employees with acknowledgement.

Ex. W10 11-11-91 : Representation made by the petitioner and other employees with acknowledgement.

Documents for Respondent/Management :

Ex. M1 : Appointment order issued to the petitioner

Ex. M2 : Extension orders issued to the Petitioner.

Ex. M3 : Relieving order issued to the petitioner.

Ex. M4 : Interview Memorandum sent to the petitioner.

नई दिल्ली, 13 फरवरी, 2001

का. आ 524 —प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धरा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबन्धतात्र के सबूद्ध नियोजनों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण /अम न्यायलय, लखनऊ के पाछाट ने प्रकाशित करती है, जो केन्द्रीय सरकार को 12-2-2001 को प्राप्त हुआ था।

[स.एल -12012/261/99-प्रौद्योगिक विवाद (बी-1)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 13th February, 2001

S.O. 524.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 12-2-2001.

[No. L-12012/261/99-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

Presiding Officer : Rudresh Kumar

ADJUDICATION

BETWEEN :

Smt. Somwati
C/o Shri Bhola Nath.
H, 706, Shahbad NR
Deewan Khana,
Bareilly-243001 (U.P.)

AND

The Dy. General Manager,
State Bank of India,

Zonal Office,
Bareilly-243001 (U.P.)

AWARD

By reference No. L-12012/261/99-IR(B-I) dated 11-11-1999 the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of Sub-section (1) of Section 10 of I.D. Act, 1947 made over this industrial dispute between Smt. Somwati and the Dy. General Manager, State Bank of India, Bareilly for adjudication.

The reference is reproduced as under:—

“Whether the action of the management of State Bank of India, Bareilly in terminating the services of Smt. Somwati Ex-Messenger-cum-Water Boy w.e.f. 6-2-1990 and not giving the opportunity to her during re-employment on the same post as per Section 25-H of the I.D. Act, 1947 is just fair and legal ? If not what relief she is entitled to and from what date ?”

2. Admitted facts are that Smt. Somwati was engaged in State Bank of India, Kutubkhana Branch, Bareilly on 13-5-1989 and she worked till 5-2-1990. It is, also, not disputed that the said workman was not selected as per procedure for regular appointees. Her name was sponsored by the Employment Exchange and she was engaged on daily wage basis. Her wage on daily basis, was to be calculated on minimum of the scale Rs 430 + DA+RA. Both the parties placed reliance on certificate issued by the bank, which detailed 225 days total working as messenger-cum-water boy.

3. The workman claims her appointment against a clear vacancy. This vacancy was filled later by other persons after she was forced out from her employment. She claims her appointment as regular employee in scale of pay. She claims further that being regular appointee against clear vacancy, was entitled to earned leave for 18 days. She is entitled to 20 days inclusion in actual days working which were Sundays and holidays. In substance, the workman claims 263 working days against certificate for 225 days.

4. The management denies this claim and states that the workman was engaged at local level on daily wage basis. She was not a regular employee nor she was selected as per procedure laid down under the service rules/regulations. She worked for 225 days only and the bank issued a certificate giving monthwise details of working days. The workman did not challenge accuracy of working days for years and raised this industrial dispute, more than 10 years later. Smt. Somwati was engaged as casual worker on daily wage basis. She was not selected as per selection procedure. She was not a regular employee, entitled to

privilege|remained leave. She was paid for Sundays and holidays when these days were in between working days. Management refutes claim to count Sundays and holidays which did not fall between working days. Thus, the management has taken the position that the workman actually worked for 225 days. This period being less than 240 days, she is not entitled to benefit of Section 25-F of the I.D. Act. Also, plea has been taken to dismiss the claim, as this industrial dispute was raised about 10 year later.

5. It seems appropriate to scrutinise status of the workman Smt. Somwati. From materials on record, it is proved that the workman was paid wages on daily basis and her wages were calculated @ Rs. 430+DA+HRA admissible to this category of employees, on the principle of equal pay for equal work. She was engaged locally as casual labour. Payment were made treating her as a casual labour on actual days basis. Nothing is shown to substantiate the claim that the workman was regularly appointed against a vacancy as per procedure laid down in service rules. Even it be assumed that other persons were engaged for the same work after her departure but this fact alone, is not sufficient, to prove permanency of vacancy or her selection against existing vacancy. To get the benefit of 25-F it is obligatory on the workman to prove that she was in 'continue service' within the meaning of Section 25B to be entitled to benefits under Section 25 F of I.D. Act. She was not a regular employee entitled to privilege|earned leave. Also, the claim of counting holidays and Sundays, in between the working days, is not tenable, particularly, when the workman did not seeks wages for the said period during service. The A|R of the workman placed reliance on paragraph 17.1 of Bipartite settlement dated 19-10-1966, para V(I) Bipartite settlement dated 8-11-1973, para 21 Bipartite settlement dated 31-10-1979 and para 8 Bipartite settlement dated 19-10-1990 to claim entitlement of privilege|earned leave admissible to the workman. This submission is not acceptable for the reasons that these benefits were|are admissible to regular employees and not to those workman engaged as casual labour.

6. Obviously, as per certificate issued by the bank and also admitted by the workman she worked for 225 days and received wages for that period. The period towards 20 days Sundays and holidays and 18 days towards earned leave as per bank rules are not admissible and can not be added in the actual working days. Her working period is less than 240 days and the provisions of Section 25 B read with Section 25F of I.D. Act, are not attracted.

7. Reference also mentions of not giving opportunity to the workman during re-employment on the same post as per Section 25 H of the I.D. Act. The workman was never re-employed. From the materials on record, it appears that in the year

1992-93 selection were made on regular basis from amongst those having worked as casual labourers. The workman did not give any evidence that her application was filed in time on the prescribed form. There is nothing to indicate that she was denied opportunity. It is for the workman to prove that her application was in order, in time, fulfilling the requirements as per selection norms but this burden was not discharged effectively. In absence of cogent evidence, denial of opportunity to her can not be assumed.

8. As discussed above Somwati had worked only for 225 days and so is not entitled to benefit of Section 25 F of I.D. Act. She was also not denied opportunity to seek re-employment as such she is not entitled to any relief on this count. She claims arrears of wages but this relief can not be considered as the reference is silent on this point.

9. Thus in view of the above discussions, the workman Smt. Somwati is not entitled to any relief.

10. Award accordingly.

Lucknow
5-2-2001

RUDRESH KUMAR, Presiding Officer
नई दिल्ली, 15 फरवरी, 2001

का. आ. 525.—श्रीशोभिक बिकाद मध्यनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक शोफ इंडिया के प्रबंधालं द्वारा संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोभिक बिकाद में श्रीशोभिक मध्यनियम, जेसई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-02-2001 को प्राप्त हुआ था।

[सं. एस-12012/348/97-आई आर (बी-1)]
अजय कुमार, डैस्ट्रिक्ट अधिकारी

New Delhi, the 15th February, 2001

S.O. 525.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of State Bank of India and their workman, which was received by the Central Government on 14-02-2001.

[No. L-12012/348/97-IR(B 1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
CHENNAI

Wednesday, the 10th day of January, 2001
PRESENT:

Thiru S R Singharavelu, B.Sc., B.L.,
Industrial Tribunal.

Industrial Dispute No 103 of 1998

(In the matter of dispute for adjudication under Section 10(1)(d) of the I.D. Act 1947 between the Workman and the Management of the State Bank of India Chennai).

BETWEEN

Shri M. Chidambaram,
84, Third Street,
S. K. Puram,
Chennai-600028.

AND

The Asstt. General Manager,
State Bank of India,
Local Head Office,
Rajaji Salai,
Chennai-600001.

REFERENCE :

Order No. L-12012/348/97-IR(B-1), dated 10-8-1998,
Ministry of Labour, Government of India, New
Delhi.

This dispute coming on for final hearing on Monday, the 11th day of December, 2000, upon perusing the reference Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiru V. S. Ekambaran, authorised representative for the Workman and of Thiru K. Chandrasekaran, authorised representative for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Government of India has referred the following issue for adjudication by this Tribunal :

"Whether the action of the management of State Bank of India is justified in terminating the services of Shri M. Chidambaram w.e.f. 21-9-94 is justified or not ? If not justified, to what relief is the workman entitled ?"

2. The main averments found in the Claim Statement of the petitioner are as follows :

The petitioner joined the respondent bank at its Patna Local Head Office as a Cook in the year 1978. In the year 1987, the petitioner was transferred to Madras Local Head Office and worked as a Cook at Underwoods Garden, the official residence of the Chief General Manager of the Respondent Bank, Madras Circle. While working as such due to acute thyroid problem, the petitioner had to leave for his native place for treatment. In the meantime the petitioner's absence from his quarters and work were mistaken to be wanton and deliberate. It would appear that the respondent bank sent letters on more than one occasion calling upon the petitioner to report for duty. It is unfortunate that none of these letters reached the petitioner except the letter Memo LO 133 dated 22-9-94. The respondent bank has chosen to convey by means of the above quoted letter that the petitioner herein having failed to report for duty by 21-9-94. It was deemed that he had voluntarily retired from service on 21-9-94. The petitioner begs to submit that being a Cook and a Class IV employee he is not aware rather familiar with the service condition particularly treating absence from duty as voluntary retirement from service. Due to lack of knowledge of this particular service conditions, his absence from duty on health grounds was treated as one having voluntarily retired from service and hence non-employment. The contention of the Respondent is not tenable in the wake of the recent judgement of the Supreme Court in the case of Untron India Ltd Vs. Shammi Bhan and another. In the said judgement it is stated that automatic termination of service of a permanent employee not directly related to production in a factory or Industrial Establishment would be had if it does not purport to provide an opportunity of hearing of the employee whose services are treated to have come to an end automatically. The petitioner prays to set aside the letter dated 22-9-94 as unjust, immoral and invalid and directing the respondent to reinstate the petitioner in service with all attendant benefits, treating the period of absence from 17-5-94 to 21-5-94 as leave on medical grounds and decide accordingly.

3. The main averments found in the Counter Statement of the respondent are as follows :

The reference proceeds on the basis as if the management of the Bank had terminated the petitioner w.e.f. 21-9-94. The petitioner was deemed to have voluntarily retired from service in accordance with the provisions of Sastry Award and Bipartite Settlement and therefore, the question of termination by the Bank of the petitioner does not arise. The petitioner unauthorisedly absented himself from duty from 17-5-94 onwards. The petitioner had not applied for leave from 17-5-94 and hence his absence was treated unauthorised as per the rules governing his service. As there was no intention on the part of the petitioner to report for duty, as evidenced by his conduct the respondent issued final notice dated 22-8-94 by registered post in terms of Bipartite Settlement dated 10-4-89. The petitioner is governed by the provisions of Sastry Award and Bipartite Settlement. In this regard Clause 17 of the Bipartite settlement 1989 provides as follows :

"Voluntary Cessation of Employment by the Employees :
When an employee absents himself from work for a period of 90 or more consecutive days, without submitting any application for leave the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of the notice, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice."

In terms of the above provisions as the employee failed and neglected to report for duty the employee was treated as voluntarily retired from Bank's service and thereby forfeited his employment by his own conduct. All the notices issued by the Bank were duly received by the petitioner. Having received the notices and failed to report for duty, the petitioner abandoned his employment by his own conduct and hence cannot challenge the order of the bank. The allegation that the petitioner not afforded opportunity is denied and baseless. The respondent bank has followed the relevant provisions of Sastry Award and Bipartite settlement as applicable and there is no violation of principles of natural justice. The respondent prays to dismiss the petition.

4. On behalf of petitioner, WW1 Thiru Chidambaram has been examined and Ex. W1 to W9 were marked. On behalf of respondent, MW1 Thiru Balasubramanian has been examined and Ex. M1 to M10 were marked.

5. The Point for consideration is :

"Whether the action of the Management of State Bank India is justified in terminating the services of Shri M. Chidambaram w.e.f. 21-9-94 is justified or not ? If not justified, to what relief is the workman entitled ?"

6. THE POINT : The Petitioner Thiru M. Chidambaram had joined the respondent bank at its Patna Local Head Office as a Cook in the year 1978. He was transferred to Madras Local Head Office in the year 1987 and worked as a Cook at Underwoods Garden, the official residence of the Chief General Manager of the Respondent Bank, Madras Circle. By then he has applied for grant of leave fare concession through Ex. M1 for a period of 5 days from 2-5-94 to 6-5-1994. Subsequently he did not turn up to duty. As mentioned in his Ex. M8 representation dated 3-10-97, the workman had left Chennai for taking treatment in his native place in Tirunelveli district for his Thyroid problem and that he could not keep track of the developments, subsequently, due to the nature of treatment he underwent. To show that he had Thyroid problem, he had produced a Medical Certificate dt. 27-2-95 through Ex. W3 and a Certificate for Fitness dt. 28-2-95 through Ex. W4 purported to have been issued by the Medical Officer, Government Headquarters Hospital at Tenkasi. It is mentioned under Ex. W3, that the workman was having huge Thyroid swelling and was having severe pain and that he underwent treatment as outpatient between 20-5-94 and February 1995. The Fitness Certificate through Ex. W4 showed that he was fit for duty w.e.f. 1-3-95.

7. But in the mean time the Management of the respondent bank had written four letters through Ex. M2, M3, M4 and M6 they are respectively dated 14-7-94, 3-8-94, 22-8-94 and 22-9-94. Under Ex. M2 the Management felt regret to know

that the workman had neither submitted any application for Leave nor informed the bank about his absence. Therefore the Management called upon the workman to report for duty within 3 days of receipt of that letter, failing which disciplinary action will be taken. As no reply was received from the workman, Ex. M3 letter was sent by the management, instructing the workman for reporting duty again within 3 days of receipt of that letter, but in vain. Therefore, Ex. M4 letter of the management was sent by Regd Post with Ack. due, whereby the workman was called upon to report for duty within 30 days of the date of that notice, failing which it will be deemed that the workman had voluntarily retired from service, on the expiry of that notice. The acknowledgement of the workman is Ex. M5 dated 2-5-94. Ex. M6 is another letter of the management sent by post with RPAD to the workman, mentioning that the letter had failed to report for duty by 21-9-94 and that it was deemed that he had voluntarily retired from service from 21-9-94. The Postal acknowledgement of the workman was marked as Ex. M7 dated 28-9-94. Due to the production of both Ex. M5 and M7, the acknowledgement of the workman for having received Ex. M4 and M6, the case of the workman set up in Ex. M8 as if he did not know anything about the management notices through Ex. M4 and M6 is unbelievable.

8. The next contention of the workman is that, as per the Bipartite Settlement dated 17-9-94 he cannot be made to voluntarily retire Ex. M8 is the copy of Settlement dated 10-4-89. Ex. M10 is the Copy of such Bipartite Settlement dt 27-3-2000. It is true that under Clause 33 of Ex. M10, Clause 17 of the 5th Bipartite Settlement dated 10-4-89 was deleted. The above said clause 17 in the Settlement dated 10-4-89 was marked as Ex. M9 which contains as follows :

"The earlier provisions relating to the Voluntary Cessation of employment by the employee in the earlier settlements shall stand substituted by the following : When an employee absents himself from work for a period of 90 or more consecutive days, without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/subsequently or when there is a satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of the notice, stating, inter alia, the grounds for coming to the conclusion that the employee has no intention of joining duties. The employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice in the event of the employee submitting a satisfactory reply he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service."

9. In this connection the workman relied upon the Case Law in Untron India Ltd Vs Shammi Bhan and Anr reported in Vol. 92 FIR n 700. That was a case of automatic termination of a workman who overstayed on leave without permission for more than 7 days. He was discharged on the ground of Clause 17(e) of the Certified Standing Order which is as follows :

"The services of a workman are liable to automatic termination if he overstays on leave without permission for more than 7 days. In case of sickness, the medical certificate must be submitted within a week."

The Supreme Court has held that the above provision of Standing Order conferred only a discretion upon the Management to terminate or not to terminate the services of an employee who overstayed the leave. It was further held that this discretion cannot be exercised capriciously and that it has to be based on an objective consideration of all the circumstances. The factor for such objective consideration were also quoted as, what are the circumstances which

compelled the employee to proceed on leave; why he overstayed the leave; was there any just and reasonable cause for overstaying leave; whether he gave any further application for extension of leave; whether any medical certificate was sent if he had, in the meantime; these questions would have naturally arisen while exercising the discretion to terminate the services of the employee for overstaying the leave. It was held that the employee had to be informed of the grounds for which action was proposed to be taken against him for overstaying the leave. It was further held that the Standing order which provided for automatic termination of service of a permanent employee would be bad if it did not purport to provide an opportunity of hearing to the employee whose services were treated to have come to an end automatically. Thus the very Standing order itself was held as bad in as much as it had no inbuilt provision for affording an opportunity to the employee for being heard.

10. In a subsequent Case Law in 2000 SOL Case No. 631 Scooters India Ltd. Vs. M. Mohammad Yaqub, the Supreme Court has rejected the argument, that the workman had been given an opportunity to join the duty and that he did not join duty even though repeatedly called upon by notices to do so. That was a case where the workman even though reported to duty was not allowed to join. Such facts of that case are not applicable to the present one. What had happened in this case was sending a notice Ex. M4 dated 22-8-94 asking the workman to report to duty within 30 days of the date of such notice and in default he would be deemed to have voluntarily retired. Of course, there is an acknowledgement under Ex. M5. Immediately following notice through Ex. M6 was an Order of discharge. No preceding notice was followed with any acknowledgement. Therefore, the only notice is Ex. M4 whereby the management can say that an opportunity had been given to the workman. While analysing that notice under Ex. M4 what was made up thereon was only a condition precedent for non-application of the Standing Order effectuating automatic voluntary retirement. Under no stretch of imagination it could be taken, as if an opportunity calling for the reasons for the absence was given thereunder to the employee. Calling for duty as a condition precedent for not applying the provision for automatic termination is quite different from giving an opportunity calling forth reasons for absence. In any way, the Standing order under which Voluntary retirement was automatically effected did not have any inbuilt provision affording opportunity to the workman for being heard. Therefore, natural justice fails in the automatic declaration of Voluntary retirement. Further the workman had produced medical certificate under Ex. W3 wherein it was stated that he underwent treatment in the Government Headquarters Hospital as an outpatient during 20-5-94 to February 1995 for his Thyroid problem. In fact while in Court the workman was found having big swelling in his neck suggesting a Thyroid illness. So negation of opportunity for being heard about his illness prior to action against him is prejudicial. We have already found that under Ex. M4 what was offered was not the above kind of opportunity, which is vital. Had he been given a chance he might have explained about his health condition. If not satisfied then termination might have been ordered. So, the termination of the petitioner is not justified.

11. Thus the termination of the petitioner is not justified. He is entitled for reinstatement with continuity of service. His period of absence can be treated as medical leave with or without pay as permissible by rules. Award passed No costs.

Dated at Chennai this 10th day of January, 2001.

THIRU S. R. SINGHARAVELU, Industrial Tribunal
Witnesses Examined

For Petitioner/Workman

WW. 1 Thiru M. Chidambaram

For Respondent/Management

MW 1 Thiru M. Balasubramanian (Proof affidavit)

DOCUMENTS MARKED

For Petitioner/Workman

Ex. W1 22-9-94 : Letter addressed to M. Chidambaram by the Asst. General Manager, State Bank of India, Madras (Local Head Office) regarding voluntarily retired from service on 21-9-94.

Ex. W2 1-3-95 : M. Chidambaram's representation to the Asst. General Manager, State Bank of India, Madras LHO.

Ex. W3 27-2-95 : Medical certificate for treatment.

Ex. W4 28-2-95 : Certificate of Fitness given to M. Chidambaram by Medical Officer Dr. R. Thangaraj, Tenkasi.

I-Ex. W5 13-10-95 : M. Chidambaram's representation to the Chief General Manager, State Bank of India, Madras, LHO together with postal receipt and postal acknowledgement.

Ex. W6 24-11-97 : FOC Report to Government by AIC (C-I) in the dispute.

Ex. W7 4-10-97 : A.G.M's letter No. O.A.D./M/2455 and sent to petitioner.

Ex. W8 16-10-97 : Petitioner's reply to the above.

Ex. W9 13-11-97 A.G.M's letter No. OAD/2954 addressed to the petitioner.

Documents for Management :

Ex. M1 ... : Application for grant of Advance Fares for Leave Fare Concession.

Ex. M2 14-7-94 : Letter by Asst. General Manager, Office Administration to Mr. Chidambaram Cook.

Ex. M3 3-8-94 : Letter by Asst. General Manager, Office Administration to M. Chidambaram, Cook.

Ex. M4 22-8-94 : Letter by Asst. General Manager, Office administration, Appointing authority to Mr. M. Chidambaram, Cook.

Ex. M5 2-9-94 : Acknowledgement card from M. Chidambaram.

Ex. M6 22-9-94 : Letter by Asst. General Manager, Office Administration Dept. to M. Chidambaram.

Ex. M7 28-9-94 : Acknowledgement Card from M. Chidambaram.

Ex. M8 3-10-97 : Letter from M. Chidambaram to the Asst. Labour Commissioner(C)-1, reg. Termination of Service.

I-Ex. M9 10-4-89 : Memorandum of Settlement 18(1) of the I.D. Act.

Ex. M10 27-3-2000 : Memorandum of Settlement Seventh Bipartite Settlement on wage Revision and other service conditions.

नई दिल्ली, 15 फरवरी, 2001

का. आ. 526 —ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधताव के संबद्ध नियोजनों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट ग्रौद्योगिक विवाद में केन्द्रीय सरकार ग्रौद्योगिक अधिकरण/श्रम न्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-02-2001 प्राप्त हुया था।

[स. एल.—12012/163/97-ग्राइ. आर (बी-1)]

अजय कुमार, ईस्क अधिकारी

New Delhi, the 15th February, 2001

S.O. 526.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal]

Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 14-2-2001.

[No. L-12012/163/97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR
Case No. J-26/99

Reference No. L-12012/163/97-IR(B-I)

Dated 17-5-99

Shri Suraj Narain Saini
S/o Shri Raghunath Lalji Saini
F-55, Jamma Bajaj Marg,
C-Scheme, Jaipur-302001 ... Applicant

V/s

The Dy. General Manager,
State Bank of India,
A-5, Nehru Place,
Tonk Road, Jaipur (Raj.) ... Non-applicant

ATTENDANCE :

For the applicant : Shri S. P. Singh
For the non-applicant : Shri Yashpal Garg
Date of Award : 15-1-2001

AWARD

The Central Government has referred the following industrial dispute under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

“Whether Shri Suraj Narain Saini Proprietor of M/s. Subhas Radio & Electricals, Jaipur is a workman of the management of State Bank of India under the meaning of Section 2(S) of the Industrial Disputes Act, 1947 ? If yes, whether the action of the State Bank of India in terminating his services is legal and justified ? If not, to what relief the said workman is entitled ?”

The applicant has filed the statement of claim stating that he was appointed in the establishment of the non-applicant State Bank of India (hereafter referred as the Bank) on the permanent post of electrician on 1-4-82. Since then he continued to work there up to 23-12-96. His services however were terminated on 23-12-96 by an oral order by stating that someone else had been appointed on

the post. It was stated that he himself worked in the Bank as per the instructions of the officers of the Bank. He was not appointed through the contractor. The post of electrician is in the establishment of the Bank. He had worked for more than 240 days before termination of his services, and had worked continuously for fifteen years. His services were terminated in violation of the provisions of the Act, 1947. He is unemployed since termination of his service. It was prayed that it be declared that he is the workman of the Bank and termination of his services is illegal and unjust.

In the reply non-applicants stated that the applicant was neither appointed by the the Bank nor there is any post of electrician in the Bank. The work connected to the electricity is given by the Bank to the contractor on contract basis, after inviting tenders. The applicant was not given any contract. M/s. Subhas Radio & Electricals was given contract relating to Electricity Works for the period 1982 to 1996 and payment of the amount of the contract was also paid to M/s Subhas Radio & Electricals through banker's cheque. The applicant never worked in the Bank and he was not the employee of the Bank.

The applicant filed rejoinder to the reply reiterating the facts stated in the claim.

On the basis of the pleadings of the parties the following points of disputes were framed :

विवाद विषय

- (1) आया सूरजनारायण सैनी विपक्षी संस्थान का कर्मकार है ?
- (2) आया प्रार्थी ने दिनांक 1-4-82 से 2-3-96 तक विपक्षी संस्थान में लगातार कार्य किया ?
- (3) यदि विवादक संख्या 1 व 2 का उत्तर हां हो तो क्या प्रार्थी को सेवा से पृथक करने के समय अप्रार्थी द्वारा छंटनी के प्रावधानों का उल्लंघन किया गया है ?
- (4) प्रार्थी किस सहायता प्राप्त करने का अधिकारी है ?

The applicant in support of his case filed his own affidavit. The learned counsel of the non-applicants was given opportunity to cross examine him, on his affidavit. On behalf of the non-applicants the affidavits of Shri S. B. Pareek, Deputy Manager of the bank, and Satyadev Sharma, Chief Manager of the bank were filed. The learned representative of applicant was given opportunity to

cross examine them on their affidavits. Both the parties also filed copies of certain documents which will be referred at the appropriate place.

The points are decided as follows :—

Points 1, 2 & 3A : In the order of reference the applicant has been stated to be the proprietor of M/s Subhas Radio & Electricals. Although the applicant has denied proprietorship of the above firm but has admitted his signatures on M-1, M-2, M-3, M-4, M-5 & M-9 which are the applications on which he has signed as proprietor of M/s. Subhas Radio & Electricals. Although it does not require to be considered whether the applicant was the proprietor of above firm or not as per the reference however, there is sufficient proof on record that he was the proprietor of the above firm.

The applicant has stated that he worked in the establishment of the bank from 1-4-82 to 23-12-96 continuously on the post of electrician. He has also stated that he was not given appointment through any contractor. He used to work under the directions and supervision of the Bank officials. He did this work for the period 14 to 15 years in the bank. He had admitted his signature on M-1, M-2, M-3, M-4, M-5 & M-9. In the application M-1 dt. 12-5-93 the applicant has stated that he has been doing the maintenance and repairing work relating to electricity in the bank for last 12 years. He is being paid Rs. 1550/- which is unsufficient as the work load and cost of living has increased. He has requested for increase in his monthly remuneration from Rs. 1550/- to Rs. 2000/- In the agreement dated 6-8-93 Ex.M-2 it has been agreed that applicant will be paid Rs. 1800/- p. m. as amount of contract for the above work. In Ex.M-3 dt. 14-6-95 the applicant has requested for increase in the amount of contract from Rs. 1800/- to 7200/- In the application Ex. M-4 the applicant has requested to increase the amount of contract from the month of march 1995. In the application Ex. M-5 the applicant has requested to increase the amount of remuneration. The applicant has admitted that cheque M-7 was received by him in the name of M/s. Subhas Radio & Electricals. On the other hand on behalf of non-applicants S.B. Pareek has stated that the applicant was not given appointment on the post of electrician. There is no post of electrician in the bank. There was no relationship of employer and employee in between the Bank and the applicant. M/s. Subhas Radio and Electricals was given contract in connection with electric work for the period 1982 to 1996 and the payment was made for the above work in the name of above firm. His statement has been corroborated by Satyadev Sharma.

The learned representative for the applicant has contended that there is sufficient proof that the applicant had worked in the Bank as electrician during the period from April 1982 to 23-12-96 and

च सुर्य श्रेणी कर्मचारी के रूप में निरन्तर कार्य किया ?

- (2) आया प्रार्थी विष्वक्षी बैंक की बगड़ी शाखा में केवल सबैरे आधा षण्टे के लिये पानी भरने के लिये आया करता था, जिसकी एवज में उसे कुछ राशि दी जाती थी, यदि हां तो इसका प्रभाव ?
- (3) आया अप्रार्थी के द्वारा मुश्त्रावजा व नोटिस की एवज में राशि प्रार्थी को भिजवा दी जो उसने प्राप्त कर ली, यदि हां तो उसका प्रभाव ?
- (4) आया अप्रार्थी के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25—एफ, व जी एवं औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 78 का उल्लंघन किया गया ?
- (5) आया प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से अलेख के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थीगण के अधिवक्ता को दिया गया। प्रार्थी की ओर से प्रलेखीय साक्ष्य के रूप में प्रतिलिपि प्रार्थना पत्र प्रवर्ष 1 व 2, जवाब अप्रार्थी समक्ष सहायक श्रम आयुक्त व असफल आर्ता प्रतिवेदन की प्रतिलिपि प्रस्तुत की। विष्वक्षीगण की ओर से डी. पी. शर्मा, सुवालाल शर्मा, सल्लूराम शर्मा तत्कालीन शाखा प्रबन्धक, बगड़ी व जी. पी. मालू सहायक अधिवक्ता, बैंक के शपथ-पत्र प्रस्तुत किये गये जिन पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। बतौर प्रलेखीय साक्ष्य में प्रतिलिपि प्रार्थना पत्र आवास भुगतान किए जाने मजदूरी प्रदर्श एम-1 से एम-40, प्रतिलिपि प्रार्थना पत्र प्रार्थी दिनांक 16-10-98 प्रदर्श एम-41, प्रतिलिपि पत्र दिनांक 26-12-98 आवास प्रेषित किए जाने नोटिस वेतन व अतिपूर्ति का ड्राफ्ट व प्रतिलिपि बैंकसे चैक जनवरी, 97 से जनवरी, 98 प्रस्तुत किए।

बहस सुनी गई एवं पत्रावली का अवलोकन किया गया। बनाए गए विवाद बिन्दुओं का विमिश्य निम्न प्रकार किया जाता है :—

बिन्दु संख्या :— 1 व 2 प्रार्थी ने शपथपत्र में उल्लेख किया है कि बैंक की बगड़ी शाखा में उसने सन् 1985 से दिनांक 1-2-98 तक दैनिक वेतन भोगी कर्मचारी के रूप में निरन्तर कार्य किया। वह बैंक में सफाई, पानी पिलाने तथा चतुर्थ श्रेणी कर्मचारी का पूरे दिन कार्य करता था। उसे भुगतान जरिये वाउधर किया जाता था, जिसकी प्रतिलिपि प्रदर्श-1, 2 है। डी.पी. शर्मा का कथन है कि वह बैंक की बगड़ी शाखा में सन् 1985 से 17-7-89 तक प्रबन्धक के रूप में कार्यरत था। प्रार्थी उक्त शाखा में केवल दो मटके पानी भरने के लिए आता था भूमीक बैंक के आस-पास कोई नल

नहीं था वह कुंए से पानी लेने जाने में 20-25 मिनिट का समय लगता था। प्रार्थी से पीने का पानी भरनाने के अतिरिक्त और कोई कार्य नहीं लिया गया। सुवालाल शर्मा का कथन है कि वह बैंक की बगड़ी शाखा में सन् 1990 से दिनांक 16-12-1995 तक प्रबन्धक के पद पर कार्यरत था। उसका भी कथन है कि प्रार्थी केवल दो मटके पानी भरने के लिए आता था व उसके कार्यकाल में पानी भरने के अतिरिक्त और कोई कार्य प्रार्थी से नहीं लिया गया। लल्लूराम शर्मा का कथन है कि वह 11 दिसम्बर, 1995 से फरवरी, 1998 के बाद तक बैंक की बगड़ी शाखा में प्रबन्धक के पद पर कार्यरत था। प्रार्थी विष्वक्षी बैंक की बगड़ी शाखा में केवल पीने का पानी भरने के लिए सबैरे केवल करीब आधा षण्टे के लिए आया करता था। उसने प्रार्थी से उक्त कार्य के अतिरिक्त अन्य कार्य नहीं लिया। मप्रार्थी की ओर से इस तथ्य से इंकार नहीं किया गया है कि प्रार्थी ने बैंक की बगड़ी शाखा में दिनांक 1-4-85 से 31-1-98 तक कार्य किया। विवाद इस बारे में है कि क्या प्रार्थी बैंक के नियोजन में होता कहा जा सकता है व यदि हां तो क्या उसने अंशकालीन कर्मचारी के रूप में कार्य किया अथवा पूर्णकालिक श्रमिक के रूप में। अप्रार्थीगण के साक्षीगण की ओर से स्वीकार किया गया है कि प्रार्थी ने पानी भरने का कार्य किया, जिसका समर्थन प्रार्थी द्वारा प्रस्तुत किए गए प्रार्थना-पत्र प्रदर्श एम-1 से एम-40 होता है, जिसमें प्रार्थी ने पानी भरने के कार्य का उल्लेख किया है व मजदूरी दिलाये जाने हेतु प्रार्थना की है व जिन पर भुगतान किए जाने का आदेश भी किया गया है। प्रार्थी के द्वारा पानी भरने का कार्य करना व कार्य करने के बदले में मजदूरी का भुगतान करना प्रार्थी का विष्वक्षी बैंक की बगड़ी शाखा के नियोजन में होना कहा जाएगा। प्रार्थी की ओर से प्रस्तुत प्रलेख प्रदर्श-1 में उल्लेख किया गया है कि उसने दो दिवस बैंक में कार्य किया उसके 80/- रुपये दिलाए जाए, जिस पर 80 रुपये का भुगतान का आदेश किया गया है। प्रदर्श-2 में प्रार्थी ने उल्लेख किया है कि दो दिन उसने सफाई कार्य किया व एक दिन जयपुर गया, उसके 120/- रुपये दिलाए जाये, जिस पर उसे उक्त राशि का भुगतान किए जाने का आदेश दिया गया है। एक अन्य प्रार्थना-पत्र प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्रार्थी ने बैंक में सफाई कार्य भी किया, जिस पर प्रार्थी के कोई हस्ताक्षर नहीं है। अतः यह नहीं कहा जा सकता कि यह प्रार्थना पत्र से संबंधित है। प्रार्थी की ओर से फोटो प्रदर्श डब्ल्यू-3 प्रस्तुत की गई है, जिसमें प्रार्थी को गिलास में पानी हाथ में लिये हुए दिखाया गया है। विष्वक्षी के साक्षी डी.पी. शर्मा ने स्वीकार किया है कि प्रार्थी को कभी-कभी पानी पिलाने के लिए कहा दिया करते थे। अन्य प्रार्थना पत्र जो प्रार्थी के द्वारा प्रदर्श-एम-1 से एम-40 प्रस्तुत किए गए हैं, जिसमें पानी भरने के बदले मजदूरी दिलाये जाने का निवेदन किया है। इस प्रकार उक्त साक्षण व प्रलेखीय साक्ष्य में यह प्रकट होता है कि प्रार्थी ने दो दिन सफाई कार्य किया व एक दिन बहु बैंक के कार्य से जयपुर गया व उसके अतिरिक्त सन् 1998 से 31-1-98 की अवधि में उसने बैंक में पानी

the post. It was stated that he himself worked in the Bank as per the instructions of the officers of the Bank. He was not appointed through the contractor. The post of electrician is in the establishment of the Bank. He had worked for more than 240 days before termination of his services, and had worked continuously for fifteen years. His services were terminated in violation of the provisions of the Act, 1947. He is unemployed since termination of his service. It was prayed that it be declared that he is the workman of the Bank and termination of his services is illegal and unjust.

In the reply non-applicants stated that the applicant was neither appointed by the the Bank nor there is any post of electrician in the Bank. The work connected to the electricity is given by the Bank to the contractor on contract basis, after inviting tenders. The applicant was not given any contract. M/s. Subhas Radio & Electricals was given contract relating to Electricity Works for the period 1982 to 1996 and payment of the amount of the contract was also paid to M/s Subhas Radio & Electricals through banker's cheque. The applicant never worked in the Bank and he was not the employee of the Bank.

The applicant filed rejoinder to the reply reiterating the facts stated in the claim.

On the basis of the pleadings of the parties the following points of disputes were framed :

विवाद विच्छु

- (1) आया सूरजनारायण सेनी विपक्षी संस्थान का कर्मकार है ?
- (2) आया प्रार्थी ने दिनांक 1-4-82 से 2-3-96 तक विपक्षी संस्थान में लभासार कार्य किया ?
- (3) यदि विवादक संस्था 1 व 2 का उत्तर हां हो तो क्या प्रार्थी को सेवा से पुरक करने के ममय अप्रार्थी द्वारा छंटनी के प्रावधानों का उल्लंघन किया गया है ?
- (3अ) आया विपक्षी संस्थान ने मैसर्स सुभाष रेडियो एण्ड इलेक्ट्रिकल्स से ठेके पर विजली संबंधी कार्य कराया, यदि हां तो इसका प्रभाव ?
- (4) प्रार्थी किस सहायता प्राप्त करने का अधिकारी है ?

The applicant in support of his case filed his own affidavit. The learned counsel of the non-applicants was given opportunity to cross examine him, on his affidavit. On behalf of the non-applicants the affidavits of Shri S. B. Pareek, Deputy Manager of the bank, and Satyadev Sharma, Chief Manager of the bank were filed. The learned representative of applicant was given opportunity to

cross examine them on their affidavits. Both the parties also filed copies of certain documents which will be referred at the appropriate place.

The points are decided as follows :—

Points 1, 2 & 3A : In the order of reference the applicant has been stated to be the proprietor of M/s Subhas Radio & Electricals. Although the applicant has denied proprietorship of the above firm but has admitted his signatures on M-1, M-2, M-3, M-4, M-5 & M-9 which are the applications on which he has signed as proprietor of M/s. Subhas Radio & Electricals. Although it does not require to be considered whether the applicant was the proprietor of above firm or not as per the reference however, there is sufficient proof on record that he was the proprietor of the above firm.

The applicant has stated that he worked in the establishment of the bank from 1-4-82 to 23-12-96 continuously on the post of electrician. He has also stated that he was not given appointment through any contractor. He used to work under the directions and supervision of the Bank officials. He did this work for the period 14 to 15 years in the bank. He had admitted his signature on M-1, M-2, M-3, M-4, M-5 & M-9. In the application M-1 dt. 12-5-93 the applicant has stated that he has been doing the maintenance and repairing work relating to electricity in the bank for last 12 years. He is being paid Rs. 1550/- which is unsufficient as the work load and cost of living has increased. He has requested for increase in his monthly remuneration from Rs. 1550/- to Rs. 2000/- In the agreement dated 6-8-93 Fx.M-2 it has been agreed that applicant will be paid Rs. 1800/- p. m. as amount of contract for the above work. In Ex.M-3 dt. 14-6-95 the applicant has requested for increase in the amount of contract from Rs. 1800/- to 7200/- In the application Ex. M-4 the applicant has requested to increase the amount of contract from the month of march 1995. In the application Ex. M-5 the applicant has requested to increase the amount of remuneration. The applicant has admitted that cheque M-7 was received by him in the name of M/s. Subhas Radio & Electricals. On the other hand on behalf of non-applicants S.B. Pareek has stated that the applicant was not given appointment on the post of electrician. There is no post of electrician in the bank. There was no relationship of employer and employee in between the Bank and the applicant. M/s. Subhas Radio and Electricals was given contract in connection with electric work for the period 1982 to 1996 and the payment was made for the above work in the name of above firm. His statement has been corroborated by Satyadev Sharma.

The learned representative for the applicant has contended that there is sufficient proof that the applicant had worked in the Bank as electrician during the period from April 1982 to 23-12-96 and

therefore the applicant falls within the definition of workman. On the other hand the learned counsel for the non-applicants has argued that the work for maintainance & repairing of the electricity was entrusted to M/s Subhas Radio & Electricals on contract basis and the Bank had no contract with Suraj Narayan Saini, the applicant. The payment for the above work was also made to the above firm and not to the applicant through banker's cheque as admitted by the applicant.

There is no separate legal entity of the applicant from the firm M/s. Subhas Radio & Electricals, the applicant being the sole proprietor of the above firm. There being no separate entity of the applicant from the above firm, it will be deemed that the above work was entrusted to the applicant. Although in some of the applications the applicant has mentioned the word 'contract' the same has no significance, as the statement of the applicant that he himself had worked from April 82 to 23-12-96 as electrician in the bank for above period has not been controverted on behalf of the Bank. There is no evidence on behalf of the Bank that the above work was not done by the applicant but by someone else through him. It is also not disputed that no tenders were invited by the Bank during the above period. The statement of the applicant finds support from the Mangpatti W-2 and W-6 according to which the work relating to electricity was entrusted to the applicant. The Apex Court in the case Manglore Ganesh Beedi Works v/s Union of India reported in (1974) 4 SCC 43 has held that mere contracts are not decisive and the complex of considerations relevant to relationship is different. The Apex Court further held as follows :—

"5. The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the workers is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex contractu is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate contractor. Myriad devices, half-hidden in fold after fold of legal form depending on the degree of concealment needed the type of industry, the local conditions and the like may be re-

sorted to when labour legislation casts welfare obligations on the real employer, based on Articles 38, 39, 42, 43, 43-A of the Constitution. The Court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances."

In view of the above authority when it is proved that the applicant himself had worked in the establishment of the Bank from April 82 to 23-12-96 continuously reference of contract in some of the documents and the payment for the work in the name of the above firm is wholly insignificant and the applicant falls within the category of the workman, as defined in Section 2(S) of the Act, 1947.

Point 3 : It has been proved that the applicant has worked for more than 14 years continuously and he had also worked for more than 240 days during year preceding to the date of termination i.e. 23-12-96. It is not disputed that the applicant was not given one month's notice or pay-in lieu of notice or retrenchment compensation as provided in Section 25(F) of the Act, 1947. It is, therefore, proved that the applicant's service was terminated in violation of the above provisions.

Point 4 : In view of decision on the above points the termination of the applicant is held to be illegal and unjust. He will be entitled to reinstatement in service with continuity in service. However, he will be not be entitled to any back wages as he has admitted in his statement that he has been doing the work of repairing T. V. & Radio at his home.

The copies of the award may be sent to the Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/-
Presiding Officer

नई दिल्ली, 15 फरवरी, 2001

का. आ. 527 —आर्द्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार मे, केन्द्रीय सरकार बैंक अंक राजस्थान लि. के प्रबंधताल के सबछ नियोजकों और उनके कर्मकारों के बीच, अनुवध में निर्विष्ट आर्द्धोगिक विवाद में केन्द्रीय सरकार आर्द्धोगिक अधिकारण/श्रम व्यायाम, जयपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-02-2001 को प्राप्त हुमा था।

[सं. एस.-12012/66/99-गाई आर (बी-1)]

अजय कुमार, ईस्क अधिकारी

New Delhi, the 15th February, 2001

S O 527.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Bank of Rajasthan Ltd. and their

workman, which was received by the Central Government on 14-2-2001

[No L-12012/66/99 IR(B I)]
AJAY KUMAR, Desk Officer

अनुबंध

केन्द्रीय सरकार श्रौद्धोगिक अधिकारण द्वारा श्रम न्यायालय, जयपुर।

प्रकारण संख्या —सी जी. आई टी./5/2000

आदेश संख्या —एल —12012/66/99—आई आर
(बी-1) 16-12-99

राधेश्याम गौतम पुत्र श्री बलभराम शर्मा निवासी बगड़ी तहसील लालसोट जिला—दौसा (राजस्थान)

—प्रार्थी श्रमिक

बनाम

1 मुख्य प्रबन्धक,
बैंक आफ राजस्थान,
सरदार पटेल भार्ग,
सी—स्कीम, जयपुर।

2 क्षेत्रीय प्रबन्धक,
बैंक आफ राजस्थान,
मोती डूगरीरोड,
जयपुर।

3 शाखा प्रबन्धक,
बैंक आफ राजस्थान,
बगड़ी तहसील लालसोट
जिला दौसा।

—प्रार्थीगण नियोजक

उपस्थित —

प्रार्थी की ओर से
प्रार्थीगण की ओर से
पत्राट दिनाक 11-1-2001

श्री यू. पस तदर
श्री आलोक फतेहपुरिया

पत्राट

केन्द्रीय सरकार के द्वारा निम्न विवाद श्रौद्धोगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम, 1947 कहा गया है।) की धारा 10 की उपधारा (1) के खण्ड-3 के प्रावधानों के अन्तर्गत न्यायिनियन हेतु निर्देशित किया गया —

“Whether Shri Radhey Shyam Gautam S/o Sh Ballabhram Sharma, Bagri, Distt. Dausa Rajasthan was a workman of the Bank of Rajasthan Ltd., Jaipur. If so, whether the action of the management of Bank of Rajasthan Ltd. to discontinue him from service w.e.f 1-2-1998 is just, reasonable and legal? If not, to what relief the disputant is entitled to?”

प्रार्थी ने स्टेटमेंट आफ क्लेम प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि उसने अप्रार्थी संख्या—3 बैंक आफ राजस्थान (जिसे बाद में बैंक कहा गया है।) की बगड़ी शाखा में सन् 1985 से 1-2-1998 तक बैंकिक वेतनभोगी कर्मचारी के रूप में कार्य किया। वह बैंक में सफाई, पानी पिलाने तथा अन्य चतुर्थ श्रेणी कर्मचारी के कार्य करता था व उसे भुगतान बाउचर से किया जाता था। उसने बैंक की बगड़ी शाखा में प्रत्येक वर्ष में 240 दिन से अधिक कार्य किया। परन्तु उसे अधिनियम, 1947 की धारा 25—एफ के प्रावधानों के अन्तर्गत विना नोटिस के, एवज में नोटिस वेतन एवं छटनी का मुआवजा दिए बिना सेवामुक्त कर दिया। सन् 1985 में उसे 60/- रुपये प्रति माह के हिसाब से नियुक्त किया गया था। तत्पश्चात् उसे 50/- रुपये माहवार वेतन दिया गया। सन् 1988 में उसका वेतन बढ़ाकर 300/- रुपये माहवार कर दिया गया। उसकी सेवामुक्ति के पश्चात् श्रीमती गुलब वर्मा श्री रामस्वरूप नाई को दिनाक 10-3-98 में सेवा पर रख लिया व सेवा समाप्ति के समय अनिष्ट व्यक्ति को सेवा में रखे रखा। उसकी सेवा समाप्ति अप्रार्थीगण के द्वारा अधिनियम, 1947 की धारा 25—एफ जी एवं व श्रौद्धोगिक विवाद (केन्द्रीय) नियम, 1957 (जिसे बाद में नियम, 1957 कहा गया है।) के नियम 78 का उल्लंघन कर की गई।

अप्रार्थीगण की ओर से जवाब प्रस्तुत किया गया, जिसमें बतौर प्रारम्भिक आपत्ति उल्लेख किया गया कि प्रार्थी व विषक्षी संस्थान के बीच नियोजक व कर्मचारी के संबंध नहीं रहे। प्रार्थी विषक्षी बैंक की बगड़ी शाखा में केवल सबरे आधा घण्टे के लिए पानी भरने के लिए आया करता था एवं उसकी एवज में उसे राशि का भुगतान किया जाता था। उसे बहौसियत कर्मचारी नियोजित नहीं किया गया। इसके बावजूद पक्षकारों के बीच कोई विवाद न रहे इसलिए बैंक ने दिनाक 26/12/98 को अधिनियम, 1947 के प्रावधान लागू न होने के बावजूद मुआवजा एवं नोटिस की एवज में राशि भिजाई, जो उसने प्राप्त कर ली। क्लेम के मदबार उत्तर में उल्लेख किया गया कि प्रार्थी दैनिक वेतनभोगी कर्मचारी नहीं था बल्कि वह केवल सबरे अथवा शाम अपनी स्वयं की सुविधानुसार पानी भरने के लिए आता था जो, कार्य मुश्किल से आधा घण्टे का था इसके अतिरिक्त उससे और कोई कार्य नहीं लिया गया। दिनाक 1/2/98 के पश्चात् उसने स्वयं पानी भरने के लिए आना भी बन्द कर दिया। अधिनियम, 1947 की धारा 25-एफ, जी एवं एच का कोई उल्लंघन नहीं किया गया।

प्रार्थी की ओर से जवाब का प्रत्युत्तर प्रस्तुत किया गया, जिसमें उसने क्लेम में वर्णित तथ्यों को दोहराया।

पक्षकारों के अभिकथनों के आधार पर निम्नांकित विवाद बिन्दु बनाये गये —

(1) आया प्रार्थी ने बैंक की बगड़ी शाखा में दिनाक 1/4/85 से 31/1/98 तक दैनिक वेतनभोगी

चतुर्थ श्रेणी कर्मचारी के रूप में निरन्तर कार्य किया ?

- (2) आया प्रार्थी विपक्षी बैंक की बगड़ी शाखा में केवल सबैरे आधा घण्टे के लिये पानी भरने के लिये आया करता था, जिसकी एवज में उसे कुछ राशि दी जाती थी, यदि हां तो इसका प्रभाव ?
- (3) आया अप्रार्थी के द्वारा मुआवजा व नोटिस की एवज में राशि प्रार्थी को भिजवा दी जो उसने प्राप्त करली, यदि हां तो उसका प्रभाव ?
- (4) आया अप्रार्थी के द्वारा औद्योगिक विवाद अधिनियम, 1947 की धारा 25—एफ, व जी एवं औद्योगिक विवाद (केन्द्रीय) नियम, 1957 के नियम 78 का उल्लंघन किया गया ?
- (5) आया प्रार्थी किस सहायता को प्राप्त करने का अधिकारी है ?

प्रार्थी की ओर से अलेम के समर्थन में स्वयं का शपथ-पत्र प्रस्तुत किया गया, जिस पर प्रतिपरीक्षा करने का अवसर अप्रार्थीगण के अधिवक्ता को दिया गया। प्रार्थी की ओर से प्रलेखीय साक्ष्य के रूप में प्रतिलिपि प्रार्थना पत्र प्रदर्श 1 व 2, जवाब अप्रार्थी समक्ष सहायक श्रम आयुक्त व असफल वार्ता प्रतिवेदन की प्रतिलिपि प्रस्तुत की। विपक्षीगण की ओर से डी. पी. शर्मा, सुआलाल शर्मा, सल्लूराम शर्मा तत्कालीन शाखा प्रबन्धक, बगड़ी व जी. पी. मालू सहायक प्रबन्धक, बैंक के शपथ-पत्र प्रस्तुत किये गये जिन पर प्रतिपरीक्षा करने का अवसर प्रार्थी के अधिवक्ता को दिया गया। बतौर प्रलेखीय साक्ष्य में प्रतिलिपि प्रार्थना पत्र बाबत भुगतान किए जाने भजदूरी प्रदर्श एम—1 से एम—40, प्रतिलिपि प्रार्थना पत्र प्रार्थी दिनांक 16-10-98 प्रदर्श एम—41, प्रतिलिपि पत्र दिनांक 26-12-98 बाबत प्रेषित किए जाने नोटिस वेतन व अतिपूर्ति का ड्राफ्ट व प्रतिलिपि बैंकर्स चैक जनवरी, 97 से जनवरी, 98 प्रस्तुत किए।

महसूस सुनी गई एवं पत्राचारी का अवलोकन किया गया। बनाए गए विवाद बिन्दुओं का विश्लेषण निम्न प्रकार किया जाता है :—

बिन्दु संख्या :—1 व 2 प्रार्थी ने शपथपत्र में उल्लेख किया है कि बैंक की बगड़ी शाखा में उसने सन् 1985 से दिनांक 1-2-98 तक दैनिक वेतन भोगी कर्मचारी के रूप में निरन्तर कार्य किया। वह बैंक में सफाई, पानी पिलाने तथा चतुर्थ श्रेणी कर्मचारी का पूरे दिन कार्य करता था। उसे भुगतान जरिये बाउचर किया जाता था, जिसकी प्रतिलिपि प्रदर्श—1, 2 है। डी.पी. शर्मा का कथन है कि वह बैंक की बगड़ी शाखा में सन् 1985 से 17-7-89 तक प्रबन्धक के रूप में कार्यरत था। प्रार्थी उक्त शाखा में केवल दो मटके पानी भरने के लिए आताशा कर्मचारी बैंक के आस-पास कोई नल

महीं था वह कुंए से पानी लेने जाने में 20-25 मिनिट का समय लगता था। प्रार्थी से पीने का पानी भरने के अतिरिक्त और कोई कार्य नहीं लिया गया। सुआलाल शर्मा का कथन है कि वह बैंक की बगड़ी शाखा में सन् 1990 से दिनांक 16-12-1995 तक प्रबन्धक के पद पर कार्यरत था। उसका भी कथन है कि प्रार्थी के बैंक दो मटके पानी भरने के लिए आता था व उसके कार्यकाल में पानी भरने के अतिरिक्त और कोई कार्य प्रार्थी से नहीं लिया गया। लल्लूराम शर्मा का कथन है कि वह 11 दिसम्बर, 1995 से फरवरी, 1998 के बाद तक बैंक की बगड़ी शाखा में प्रबन्धक के पद पर कार्यरत था। प्रार्थी विपक्षी बैंक की बगड़ी शाखा में केवल पीने का पानी भरने के लिए सबैरे केवल करीब आधा घण्टे के लिए आया करता था। उसने प्रार्थी से उक्त कार्य के अतिरिक्त अन्य कार्य नहीं लिया। अप्रार्थी की ओर से इस तथ्य से इकार नहीं किया गया है कि प्रार्थी ने बैंक की बगड़ी शाखा में दिनांक 1-4-85 से 31-1-98 तक कार्य किया। विवाद इस बारे में है कि क्या प्रार्थी बैंक के नियोजन में होना कहा जा सकता है व यदि हां तो क्या उसने अंशकालीन कर्मचारी के रूप में कार्य किया अथवा पूर्णकालिक श्रमिक के रूप में। अप्रार्थीगण के साक्षीगण की ओर से स्वीकार किया गया है कि प्रार्थी ने पानी भरने का कार्य किया, जिसका समर्थन प्रार्थी द्वारा प्रस्तुत किए गए प्रार्थना-पत्र प्रदर्श एम-1 से एम-40 होता है, जिसमें प्रार्थी ने पानी भरने के कार्य का उल्लेख किया है व मजदूरी दिलाये जाने हेतु प्रार्थना की है व जिन पर भुगतान किए जाने का आदेश भी किया गया है। प्रार्थी के द्वारा पानी भरने का कार्य करना व कार्य करने के बदले में मजदूरी का भुगतान करना प्रार्थी का विपक्षी बैंक की बगड़ी शाखा के नियोजन में होना कहा जाएगा। प्रार्थी की ओर से प्रस्तुत प्रलेख प्रदर्श-1 में उल्लेख किया गया है कि उसने दो दिवस बैंक में कार्य किया उसके 80/- रुपये दिलाए जाए, जिस पर 80 रुपये का भुगतान का आदेश किया गया है। प्रदर्श-2 में प्रार्थी ने उल्लेख किया है कि दो दिन उसने सफाई कार्य किया व एक दिन जयपुर गया, उसके 120/- रुपये दिलाए जाये, जिस पर उसे उक्त राशि का भुगतान किए जाने का आदेश दिया गया है। एक अन्य प्रार्थना-पत्र प्रस्तुत किया गया, जिसमें उल्लेख किया गया कि प्रार्थी ने बैंक में सफाई कार्य भी किया, जिस पर प्रार्थी के कोई हस्ताक्षर नहीं है। अतः यह नहीं कहा जा सकता कि यह प्रार्थना पत्र से संबंधित है। प्रार्थी की ओर से फोटो प्रदर्श डब्ल्यू-3 प्रस्तुत की गई है, जिसमें प्रार्थी को गिलास में पानी हाथ में लिये हुए दिखाया गया है। विपक्षी के साक्षी डी.पी. शर्मा ने स्वीकार किया है कि प्रार्थीको कभी-कभी पानी पिलाने के लिए कहा दिया करते थे। अन्य प्रार्थना पत्र जो प्रार्थी के द्वारा प्रदर्श-एम-1 से एम-40 प्रस्तुत किए गए हैं, जिसमें पानी भरने के बदले मजदूरी दिलाये जाने का निवेदन किया है। इस प्रकार उक्त साक्षण व प्रलेखीय साक्ष्य से यह प्रकट होता है कि प्रार्थी ने दो दिन सफाई कार्य किया व एक दिन वह बैंक के कार्य से जयपुर गया व इसके अतिरिक्त सन् 1998 से 31-1-98 की अवधि में उसने बैंक में पानी

भरने का कार्य किया। पानी भरने का कार्य ऐसा नहीं कहा जा सकता जिसमें कि घण्टे-आधे घण्टे से अधिक का समय लगता हो व उक्त अधिक में प्रार्थी के द्वारा कुछ दिवसों को छोड़कर केवल घण्टा-आधा घण्टा पानी भरने का कार्य करना पाया जाता है। इस प्रकार यह प्रमाणित है कि प्रार्थी ने दिनांक 1-4-85 से 31-1-98 तक की अधिक में दैनिक वेतन भोगी चतुर्थ श्रेणी कर्मचारी के रूप में उक्त प्रकार से पानी भरने का कार्य किया, जिसका भुगतान उसे किया गया।

बिन्दु संख्या :- 3 व 4 यह विवादित नहीं है कि प्रार्थी ने बैंक की बगड़ी शाखा में दिनांक 1-4-85 से 31-1-98 तक आंशिक रूप में कार्य किया। आंशिक कर्मचारी भी अधिनियम, 1947 की धारा 2-एस की परिभाषा में 'कर्मकार' की परिभाषा के अन्तर्गत आता है, इस बारे में आर.एल. डब्ल्यू 1989 (2) 290 यशवन्त सिंह यादव बनाम स्टेट आफ राजस्थान का अवलोकन किया जा सकता है। अप्रार्थी-गण के विद्वान अधिवक्ता का तर्क है कि प्रार्थी की सेवा अप्रार्थी-गण के द्वारा समाप्त ही नहीं की गई, अतः प्रार्थी की सेवा समाप्ति छंटनी के तहत नहीं आती व अधिनियम, 1947 की धारा 25-एफ के प्रावधान आकृष्ट नहीं होते। उनका तर्क है कि प्रार्थी स्वयं दिनांक 1-2-98 से कार्य पर नहीं आया व बैंक प्रार्थी को दिनांक 31-12-98 तक नियोजन में होना मानता है, अतः प्रार्थी की सेवा दिनांक 1-2-98 को समाप्त होना नहीं कहीं जा सकती। उनका यह भी तर्क है कि यदि प्रार्थी की सेवा समाप्ति तर्क के लिये मान भी ली जाए कि छंटनी के तहत आती है तो भी बैंक के द्वारा अधिनियम, 1947 की धारा 25-एफ की पालना प्रार्थी को नोटिस के बदले में नोटिस वेतन व छंटनी का मुआवजा देकर कर दी गई है। उनका यह भी तर्क है कि प्रार्थी ने एक प्रार्थना-पत्र प्रस्तुत किया था, जिसमें उसने बैंक से सेवा समाप्ति के बारे में विवाद न रहने के बारे में उल्लेख किया था। उनका तर्क है कि ऐसी दशा में प्रार्थी छंटनी के बारे में विवाद उठाने से विवर्धित है। अप्रार्थी-गण की ओर से जी.पी.माल का कथन है कि प्रार्थना-पत्र एम-41 प्रार्थी की ओर से समझौता अधिकारी के समक्ष जरिए रजिस्टर्ड डाक प्रेषित किया गया था, जिससे बाद में वह इंकार हो गया। प्रार्थी यह तो स्वीकार करता है कि प्रार्थना-पत्र प्रदर्श एम-41 जो कि सहायक श्रम आयुक्त को सम्प्रेषित किया गया है, जिसमें उल्लेख किया गया है कि उसके बैंक के बीच कोई विवाद नहीं है कोई वह बैंक के विरुद्ध कोई शिकायत अथवा बाद नहीं करेगा, विवाद निरस्त समझा जाये व समझौता वार्ता समाप्त की जाए। प्रार्थी का कथन है कि प्रार्थना पत्र में विवाद न रहने वाली बात गलत लिखी है। प्रार्थी ने ऐसा कोई स्पष्टीकरण नहीं दिया कि विवाद नहीं रहने के तथ्य का प्रार्थना पत्र में "क्योंकर" उल्लेख किया गया है, परन्तु समझौता वार्ता के दौरान ही प्रार्थी ने उक्त प्रार्थना पत्र पर जोर नहीं दिया व इसके विपरीत विवाद जारी रखा। अतः मेरी राय में उक्त परिस्थितियों में प्रार्थी सेवा समाप्ति के

बारे में विवाद उठाने से विवर्धित होना नहीं कहा जा सकता। अप्रार्थी-गण की ओर से दिया गया तर्क कि प्रार्थी दिनांक 31/12/98 तक नियोजन में रहा स्वीकार किये जाने योग्य नहीं है क्योंकि प्रार्थी स्वयं का कथन है कि दिनांक 1-2-98 के पश्चात वह बैंक के नियोजन में नहीं रहा व न कोई ऐसा प्रमाण प्रस्तुत किया गया है प्रार्थी को दिनांक 1-2-98 से 31-12-98 की मजदूरी का भुगतान किया गया ही या उसके द्वारा कार्य किया गया हो। अप्रार्थी-गण की ओर से जी.पी.माल का कथन है कि प्रार्थी को बैंक में दिनांक 1-2-98 से हटाया नहीं गया बल्कि उसने स्वयं ने कार्य पर आना बन्द कर दिया। जबाब जो कि अप्रार्थी बैंक के द्वारा सहायक श्रम आयुक्त के समक्ष प्रस्तुत किया गया, जिसमें ऐसा उल्लेख नहीं किया गया कि प्रार्थी ने स्वयं ने दिनांक 1-2-98 से कार्य पर आना बन्द कर दिया। इसलिये बैंक की ओर से प्रस्तुत की गई उक्त मात्रा स्वीकार किये जाने योग्य नहीं है कि प्रार्थी ने दिनांक 1-2-98 से स्वयं कार्य पर आना बन्द कर दिया। इसके अतिरिक्त यदि प्रार्थी ने स्वयं कार्य पर आना बन्द कर दिया होता तो प्रार्थी सेवा समाप्ति के बारे में क्योंकर विवाद उठाता। अप्रार्थी बैंक की ओर से जबाब में समझौता अधिकारी के समक्ष यह उल्लेख नहीं किया गया कि प्रार्थी बैंक की सेवा में है व उसकी सेवा समाप्त नहीं की गई है। इस प्रकार अप्रार्थी का यह तर्क कि प्रार्थी की सेवा दिनांक 1-2-98 से समाप्त नहीं की गई व प्रार्थी ने स्वयं ने कार्य पर आना बन्द कर दिया स्वीकार किए जाने योग्य नहीं है व प्रार्थी की सेवा समाप्ति छंटनी के तहत आती है। दिनांक 1-2-98 को सेवा समाप्ति के समय प्रार्थी को न तो एक माह का नोटिस दिया गया न नोटिस के बदले में नोटिस वेतन व न छंटनी का मुआवजा। अप्रार्थी की ओर से जी.पी.माल का कथन है कि वह प्रार्थी को नोटिस व नोटिस वेतन पर छंटनी का मुआवजा पत्र दिनांक 26-12-98 के द्वारा मय ड्राफ्ट रूपये 2,000/- प्रेषित किया गया था। प्रार्थी ने स्वीकार किया है कि उक्त राशि उसे प्राप्त हुई थी, परन्तु उसने बैंक में जमा करा देना बताया है। बैंक के द्वारा प्रार्थी की सेवा समाप्ति के पश्चात नोटिस वेतन व छंटनी का मुआवजा भेजे जाने से अधिनियम 1947 की धारा 25-एफ की पालना नहीं होती। इस प्रकार अप्रार्थी-गण के द्वारा अधिनियम, 1947 की धारा 25-एफ का उल्लंघन कर प्रार्थी की सेवा समाप्ति करना प्रमाणित है। प्रार्थी के विद्वान अधिवक्ता अधिनियम, 1947 की धारा 25-जी व नियम 1957 के नियम 78 का उल्लंघन अप्रार्थी-गण के द्वारा किये जाने के बारे में जोर नहीं देते हैं, अतः अधिनियम 1947 के उक्त प्रावधानों का उल्लंघन किया जाना प्रमाणित नहीं होता।

बिन्दु संख्या :- 5 प्रार्थी की सेवा समाप्त अधिनियम, 1947 की धारा 25-एफ का उल्लंघन होने के कारण अवैध व अनुचित पाई जाती है। अप्रार्थी-गण के विद्वान अधिवक्ता का तर्क है कि प्रार्थी ने क्लेम में व न शाने कथन में ऐसा उल्लेख किया है कि सेवा समाप्ति के बाद से वह बेरोजगार

है। उनका तर्क है कि ऐसी परिस्थितियों में प्रार्थी को पिछली मजदूरी नहीं दिलाई जा सकती। उन्होंने अपने तर्क के समर्थन में 1996 एल.एल.आर.पृष्ठ 433 हरदयानंद बनाम जी.पी.स्टोर्स, इनाहाबाद व ग्रन्थ को उद्धत किया है। उक्त मामले में श्रम व्यायालय इस निकर्पण पर नहीं पहंचा था कि प्रार्थी की सेवा समाप्ति अवैध थी, व उसे सेवा में सामाजिक व्याय, समानता व अन्तकरण के आधार पर अहाल किया गया था व इस कारण पिछली मजदूरी नहीं दिलाई गई। याची के द्वारा याचिका में भी ऐसा उल्लेख नहीं किया गया कि प्रार्थी सेवा समाप्ति के बाद से वह वेरोजगार है। उक्त कारण में प्रार्थी को पिछली मजदूरी नहीं दिलाई गई। प्रत्युत मामला उक्त प्रकार का नहीं है। अप्रार्थित की ओर से ऐसी कोई साध्य भी प्रस्तुत नहीं की गई कि प्रार्थी सेवा समाप्ति के बाद से किसी लाभकारी नियोजन में है। प्रार्थी स्वीकार करना है कि वह गंदिंग की पूजा करता है व उसकी पाच बीघा कच्छी जमीन है। मामले की परिस्थितियों को दृष्टिगत रखते हुये प्रार्थी को पिछली मजदूरी के रूप में 60 प्रतिशत पिछली मजदूरी के रूप में, जो कि वह सेवा समाप्ति के समय प्राप्त कर रहा था दिलाया जाना उचित प्रतीत होता है। प्रार्थी बैंक में पृष्ठ: नियोजन प्राप्त करने का अधिकारी होगा व उसकी सेवा बैंक में नियन्त्र मानी जायेगी। प्रार्थी पिछली मजदूरी के रूप में 60 प्रतिशत मजदूरी प्राप्त करने का अधिकारी होगा।

बैंक अधिनियम, 1947 की धारा 25-एफ की पालना कर प्रार्थी की सेवा समाप्त करने के लिए स्वतंत्र होगा।

पंचाट की प्रतिलिपि केन्द्रीय सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (i) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाय।

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अध्यक्ष

नई दिल्ली, 15 फरवरी, 2001

का. आ. 528.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जयपुर नागौर आमीण श्रौद्धोगिक बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण श्रम व्यायालय जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-2001 को प्राप्त हुआ था।

[मं एल-12011/30/96-ग्राई आर. (बी-1)]

अर्जय कुमार, डैस्क अधिकारी

New Delhi, the 15th February, 2001

S.O. 528.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jaipur Nagaur Gramin Anchlik Bank and their workmen which was received by the Central Government on 14-2-2001.

[No. L-12011/30/96-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR
Case No. CGIT B-39/98

Reference No. L-12011/30/96-IR(B-I) dated 23-9-98

1. Shri Hanuman Prasad Gupta,
S/o Shri Ram Kishore Gupta,
C/o Chaudhary Pustak Bhandar,
Opposite Secondary School,
Dausa. ... Applicant.

2. Shri Umesh Kumar Khandelwal,
S/o Shri Narain Lal,
Behind Collectorate,
Dausa. ... Applicant.

3. Shri Praveen Kumar Sharma,
S/o Shri Brij Mohan Lal Upadhyaya,
C/o Chaudhary Pustak Bhandar,
Opposite Secondary School,
Dausa. ... Applicant.

Versus

1 Chairman,

Jaipur Nagaur Gramin Anchlik Bank,
Head Office, 56-Sardar Patel Marg,
C-Scheme, Jaipur. ... Non-Applicant.

2. The Branch Manager,
Jaipur Nagaur Gramin Anchlik Bank,
Dausa. ... Non-Applicant.

ATTENDANCE :

Applicant Nos. 1 and 3 : Shri Suresh Kashyap.
Applicant No. 2 : Shri Neeraj Bhatt.

Non-applicant : Shri Pramod Shandilya

Date of Award : 7-12-2000.

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication :

“Whether the action of the management of Jaipur Nagaur Gramin Anchlik Bank, Jaipur in terminating the services of Shri Hanuman Prasad Gupta, Umesh Kumar Khandelwal and Praveen Kumar Sharma is legal and justified. If not, to what relief the workman are entitled ?”

The applicant Nos. 1 and 3 filed joint statement of claim while applicant No. 2 filed separate claim. In the claim petition filed on behalf of applicant Nos. 1 and 3 it was stated that applicant No. 1 and applicant No. 3 were appointed as agents for collection of Laghu Bachat Deposit under the scheme of Laghu Bachat Yojna (hereinafter referred as the Scheme) of the Jaipur Nagaur Gramin Anchlik Bank (hereinafter referred as the Bank) w.e.f. 4-6-83 and 5-11-82 respectively and since then they were working continuously. It was their duty to go door to door and open accounts and collect money to be deposited by Laghu Bachat depositors and to deposit the same in the Bank to promote the business of the Bank and prepare records in the Bank. They had to work for 10 to 12 hours daily and their duty was similar to clerks working in the Bank. They fall within the definition of “workmen” under clause (s) of Section 2 of the Act 1947 and establishment of the non-applicant is an “industry” as defined under the Act, 1947. They were paid salary in the form of commission @ 2 per cent on the amount collected by them. By order dated 16-2-93 they were directed by the non-applicants not to open new accounts in future and thus their services were terminated without following the provisions of Sections 25F and G and Rule-77 of the Industrial Dispute (Central) Rules, 1957 (hereinafter referred as the Rules 1957). It was prayed that termination of their services be declared illegal and they be reinstated in service with back wages.

In the claim on behalf of applicant No. 2 it was stated that he was appointed as an agent under the Scheme by order dated 5-11-82 under non-applicant No. 2. In the appointment letter there were such terms and conditions which affected the rights of the applicant but had no option to join as he was in dire need of an employment. Although his duty was to collect deposits under the Scheme, he had to perform other duties like maintenance of accounts and making entries in the pass book. He was paid remuneration at the rate of 2 per cent on the deposit amount and he was authorised to open new account for maximum period of one year. He was doing good business for the Bank and earned 4000 to 5000 per month as remuneration. He had to comply with the orders and directions of his superior like non-applicant No. 1. However, without any prior notice he was directed not to open new accounts vide order dated 16-3-93 and thus his services were terminated w.e.f. 16-3-94. Neither seniority list was prepared before termination of service, nor he was paid one month's notice pay or one month's salary in lieu of notice, nor remuneration compensation was paid to him. In other Nationalized Banks such Scheme is in operation and agents are still working in the other branches of the Bank. It was prayed that the applicant be reinstated in service with continuity and back wages.

The non-applicants filed reply to the claim wherein admitting that the applicants were appointed agents under the Scheme. They were assigned the duties to collect the amount under the Scheme for which they were paid commission on contract basis. They were not paid any salary nor their attendance was recorded. Service regulations of the Bank were not applicable to them nor the Bank had any control over their duties. The relations between the applicants and the Bank were regulated under the agreement. It was denied that the applicants were in the service of the Bank. It was also denied that the applicants were asked to make entries in the accounts books. The Bank had no right to make any departmental enquiry against the applicants for not performing the duties as per the contract. It was admitted that by order dated 16-3-93 the applicants were directed not to open the new accounts as it was decided not to continue the Scheme through the agents. One of the reason for discontinuing the Scheme was that there were complaints of misappropriation of the amount by the agents. It was clearly stated in the appointment letter that the applicants will not be treated in the service of the Bank. It was stated that compliance of seniority list and provisions of Section 25-H was not necessary.

Rejoinder to reply was filed by the applicants. On behalf of the applicant Nos. 1 and 3 it was stated that the contract as alleged by the non-applicant does not fall within the definition of contract nor the same falls within the exceptions under the clause 2(ho)(bb) of the Act, 1947. On behalf of the applicant No. 2 it was stated that attendance of the applicant was recorded in the attendance register and his services were governed by the directions and rules of the Bank.

On the basis of the pleadings of the parties the following points of disputes were framed :—

विवाद विषय :—

- (1) आया प्रार्थीगण औद्योगिक विवाद अधिनियम, 1947 की धारा 2 (एन) के अन्तर्गत "कर्मकार" हैं ?
- (2) आया प्रार्थी उमेश कुमार खण्डेलवाल की सेवा समाप्ति औद्योगिक विवाद अधिनियम, 1947 की धारा 25-एफ व हनुमान प्रसाद एवं प्रवीण कुमार की सेवा समाप्ति उत्तर अधिनियम की धारा 25-एफ, जी एवं औद्योगिक विवाद (केन्द्रीय) 1957 के नियम 77 का उल्लंघन कर की गई है ?
- (3) आया प्रार्थीगण किस सहायता को प्राप्त करने का अधिकारी है ?

The applicant Nos. 1 and 3 filed their affidavits on which opportunity to cross examine was given to the learned counsel for the non-applicant. They also filed copies of letters dt. 30-3-88, 16-2-83 and 5-10-93 marked Ex. W-1, Ex. W-2 and Ex. W-3 respectively, copy of notice dated 11-11-95 marked Ex. W-4 and copy of application filed before Assistant Labour Commissioner marked Ex. W-5. The applicant No. 2 filed his own affidavit on which opportunity to cross examine was given to the learned counsel of the non-applicants. Besides copies of letter dated 16-2-93 Ex. W-2/1 and W-2/2 were filed. On behalf of the non-applicants Shri Gopal Bihari Bhargava was examined. In the form of documentary evidence copies of appointment letters of Shri Umesh Kumar, Hanuman Prasad and Praveen Kumar marked Ex. M/1, M/3 and M/5 respectively and their acceptance letters marked M/2, M/4 and M/6 respectively, were filed.

Heard arguments of the learned counsels of the parties and perused the record. The points are decided as follows :—

Point No. 1 :—On behalf of the non-applicants appointment letters and acceptance letters of the applicants have been produced. Shri Umesh Kumar Khandelwal has admitted appointment letter Ex. M-1 which was issued to him and he accepted the terms and conditions mentioned in the same vide Letter Ex. M-2. Shri Hanuman Prasad Gupta has also admitted appointment letter M-3 which was issued to him and he accepted the appointment letter vide letter Ex. M-4. Similarly Shri Praveen Kumar Sharma has admitted the appointment letter Ex. M-5 which was issued to him and he accepted the same vide Ex. M-6. As per the above appointment letters the applicants were appointed as agents for collection of laghu bachat deposits under the Scheme on the following terms and conditions :—

1. You shall, subject to the rules of our Laghu Bachat Yojna in force from time to time, collect at the doors of Laghu Bachat Depositors monies to be deposited to their Laghu Bachat Accounts at the appointed time to be agreed to by and between yourself and the respective Laghu Bachat Depositors and give to the Laghu Bachat Depositors such discharge of receipt or obtain acknowledgement from them for having accepted their deposits on behalf of the Bank in such forms and subject to such rules as are prescribed by the Bank from time to time.

2. You shall endeavour to promote and enhance the collection of Laghu Bachat Deposits and shall observe utmost courtesy, forbearance and good temper in your dealings with our customers and also the Public in discharge of your duties.

3. You shall not collect or receive any other monies except deposits from customers under our Laghu Bachat Yojna.

4. You shall in conformity with the Bank procedure laid down from time to time, render proper and satisfactory accounts of the deposits collected under the Laghu Bachat Yojna by you. You will keep the record of such collections in the manner and in such forms and books as prescribed from time to time by the Bank.

5. You will deposit all collections made by you on any one day with Dausa Branch at the commencement of business hours on the very next working day with a statement of account.

6. You shall be responsible to the Bank for the safe custody of all monies collected by you from the Laghu Bachat Depositors till the same are deposited with the Bank and to render true, proper and satisfactory accounts of all the monies collected by you from the said depositors. You shall also be responsible to make good any loss occasioned to the Bank by reason of your receiving and taking bad or base coins or any false or forged Bank notes or currency notes or failing or neglecting to deposit as aforesaid with the Bank monies collected by you from the Depositors or any portion thereof for any reason whatsoever.

7. You shall furnish an initial cash security of Rs. 1000 (Rupees one thousand only). Further, the Bank shall be entitled to deduct every month from and out of the Commission payable to you a sum equivalent to 10 per cent of the said commission and hold the said sum as additional security.

8. The security deposit furnished and/or to be furnished by you from time to time as aforesaid shall be held by the Bank as security for the faithful discharge by you of your

duties as an Agent and also for the protection and security of the Bank against any damage, losses, costs, charges and expenses that may be suffered or incurred by the Bank by reason as a consequence of your mistake, negligence, default, misconduct, want of care, forgery, fraud, dishonesty or otherwise on any account whatsoever. You shall not be entitled to claim the refund of the said security deposit or any part thereof until all accounts between you and the Bank shall have been finally closed and settled and also sums payable to or claimable by the Bank shall have been paid, discharged and/or satisfied. The said security deposit or any portion thereof, may from time to time, be appropriated and/or transferred or otherwise disposed of by the Bank in order to reimburse or make good any such damages, losses, costs, charges and expenses as aforesaid. Your liability shall in no way be limited to the amount of the said security deposit and the Bank shall have lien on any cash security or property held by it on your behalf.

9. The security deposit will be refundable to you after six months from the date of your ceasing to be our Laghu Bachat agent either by termination by us or renunciation by you provided you have rendered proper and satisfactory accounts to our aforesaid branch of the collections made by you and you have obtained confirmation of balances from the Laghu Bachat Depositors to the satisfaction of the Bank.

10. As our Agent, for collecting Deposits under Laghu Bachat Yojna you shall be paid commission at the rate of 2 per cent on your collection.

No commission will be paid on Deposits under Laghu Bachat Yojna received by the branch on its counter. No commission shall be paid on lump sums collections received in anticipation of refund of such Laghu Bachat Accounts and in this connection decision of the Bank will be final and binding on you. Further the rate of commission is liable to reduction, alteration or revision at the discretion of the Bank and without any previous intimation or notice to you.

11. You are not an employee of the Bank in any sense. The relationship between you and Bank is that of an agent and principal. The service rules and service conditions relating to the employees of the Bank have no application in your case and you shall not be entitled to any salary, Provident fund or any other benefits ordinarily allowed to the staff of the Bank under its service conditions and rules.

12. Your agency may be terminated at any time at the discretion of the Bank without giving any notice and without assigning any reason.

13. In case you desire to give up the Agency or resign from the same, a clear one month's notice shall be given by you subject to your rendering proper and satisfactory account of all your collections made upto the date of termination of agency, and furnishing balance confirmation in respect of all Laghu Bachat Accounts from Depositors under Laghu Bachat Yojna.

The learned counsel for the applicants have contended that though the applicants have been mentioned as agents under the Scheme, in fact they fall within the category of "workman as defined under 2(s) of the Act, 1947". They have placed reliance in case reported in 1990 (I) LLJ 50 Management of Indian Bank v/s. Presiding Officer, Industrial Tribunal, Madras and another and 1997 (III) LLN III Indian Bank's Association Bombay v/s. Workman of Syndicate Bank. On the other hand the learned counsel for the non-applicants has contended that as per the terms and conditions in the appointment letters the applicants were the agents and not the 'workman'. No qualifications were prescribed for the post; the applicants were paid fixed commission and not remuneration; they were free to do other work also; they were free to collect the opposite as per their own convenience; they were not required to sign the attendance register; they were not governed under Staff Service Regulations of the Bank and no disciplinary action could be taken against them.

As per the appointment letters the applicants were to abide by the terms and conditions mentioned therein. As per the acceptance letters they also undertook to obey and abide by all orders, directions and rules given or made or framed by Bank in respect of the Scheme. They also deposited cash security and gave undertaking to the Bank to deduct every

month a sum equivalent to 10 per cent of the commission paid to them every month and held the same as additional security. Shri Umesh Kumar Khandelwal has stated that he used to make entries in the ledger and in the pass book and used to maintain account books. He used to open new pass books also. Similarly Shri Hanuman Prasad Gupta and Pravcen Kumar Sharma have stated that they used to make entries and maintain the record. It is not disputed that pass books were to be opened by the applicants and the applicants were also to collect the deposits and to give receipts. It is however denied that entries in the ledger of the Bank were made by the applicants. Shri Gopal Bihari Bhargava, Sr. Manager has stated that entries in the ledger were made by the regular staff of the Bank. It is, therefore, not proved that the applicants used to make entries in the ledgers of the Bank. There is no dispute however, that the applicants were to abide by all the terms and conditions mentioned in the appointment letters and they were to abide all the directions, orders, rules given or made or framed by the Bank from time to time. In the case of Management of Indian Bank v/s. Presiding Officer, Industrial Tribunal, Madras it was considered as to whether Tiny Deposits agents of the Bank were 'workman' as defined under Section 2(s) of the Act, 1947. Madras High Court after referring to the various decisions of the various High Courts and the Apex Court held that they fall within the definition of the 'workman' as defined in the Act, 1947. In the above case there was an agreement between 2nd respondent and the Bank, vide which 2nd respondent agreed to collect Tiny Deposits from the customers of the Bank in terms of the rules of business to be mutually agreed upon her and such depositors; clause 2 of the agreement provided that she shall render a true and correct account of Tiny Deposits; clause 3 provided that deposit collections made by her shall be accounted for and deposited in the Bank on the next day with the duplicate copies of the deposit receipts. Clause 5 provided for furnishing security for faithfully discharging duties. Clause 6 provided that commission was to be paid on the actual collections made by her and she was to contribute 10 per cent of such commission towards security deposits every month. Clause 7 provided that the second respondent was to give a month's notice in writing before renouncing her agency without any notice. Clause 9 prevented her from making collections for and on behalf of any other Bank which was having a similar Scheme. Clause 11 provided that Bank was entitled to get confirmation of the balance when the second respondent ceased to be the agent. The following features were found present in the above case. As part of deposit mobilization the Tiny Deposit Scheme was initiated by Bank. As per the rules, opening of the account was to be done in the presence of the authorized employees of the Bank. The Tiny Deposit agent was undoubtedly engaged in the business of the Bank v/z. the deposit mobilization. Thirdly the renumeration of the Tiny Deposit Agent was fixed in the agreement. Though it was commission it was renumeration. Fourthly, daily attendance of the respondent was required in the Bank to deposit the collection made by her on the prior day. Fifthly she was obliged to inform the Bank in advance if she was not in a position to make collection herself and appoint a delegate with the permission of the Bank. Sixthly she was to do some clerical work like filling up ledger and pass book etc. Seventhly the agent were to paid 10 per cent of the amount every month as security. Eighthly the Bank could instruct the agents not to enroll new subscribers. The provision enabling the agent to terminate the agency on giving the Bank a month's notice was treated as 9th circumstance to show that it was a contract of service. Tenthly the agent was bound to produce physical fitness certificate. The eleventh circumstance was that agent was to be taken to task when any depositor closed the account within a period of two years. All these above facts were treated to prove that there was sufficient control over the work of agent by the Bank and 2nd respondent was held to be "workman" under clause 'S' of the Act, 1947. In the case of Indian Bank's Association v/s. workmen Syndicate Bank, the deposit collectors of the Bank who were paid commission on deposit mobilised for the Bank as per the terms of the agreement and as per instructions and guidelines were held to be "workmen". The terms and conditions mentioned in the appointment letters of the applicants are almost identical to the conditions mentioned in the agreement referred in the case of Management of Indian Bank v/s. Presiding Officer, Industrial Tribunal and Indian Banks Association v/s. workmen Syndicate Bank. The applicants for doing duties which

were manual as well as clerical. They worked as per the terms and conditions mentioned in the appointment letters referred above and they were also to abide by the orders, directions, rules, given made, or framed by the Bank from time to time. Similar contentions which have been made by the learned counsel of the non-applicants were raised on behalf of the Bank in the case of Management of Indian Bank but the same were rejected and the 2nd respondent was held to be "workmen". As the facts of the present case are almost similar to the facts of the above case, therefore, on the basis of the above authority it can safely be held that the applicants though mentioned as agents were doing manual work by going door to door in order to mobilise the tiny deposits and clerical work by opening pass books making entries therein and preparing the collection sheets under the instructions and control of the Bank and therefore, they fall within the category of workmen" under Section 2(S) of the Act, 1947.

Point No. 2.—It is not in dispute that Shri Umesh Kumar Khandelwal, Shri Praveen Kumar and Shri Hanuman Prasad Gupta were collecting deposits for the Bank from 5-6-82, 6-11-82 and 4-6-83 respectively. Their services were discontinued vide letter dated 16-2-93 w.e.f. 16-2-94 impliedly. As discussed above the applicants were "workmen" and their services could be terminated after compliance of Section 25-F of the Act, 1947. The condition that services of applicants could be terminated at any time without notice as per the agreement cannot take out of the case of the applicants from "retrenchment" as held by the Rajasthan High Court in case Rajasthan State Road Transport Corporation v/s. Babulal Sharma, reported in 1995 (70) FLR 241. It is not in dispute that compliance of Section 25-F of the Act, 1947 was not made while dispensing with the services of the applicants. The violation of Section 25 of the Act, 1947 therefore, is proved on the part of the non-applicants. As regards violation of Section 25-G of the Act, 1947 and rule-77 of the Rules, 1957 the learned counsel for the applicants Shri Hanuman Prasad and Shri Praveen Kumar has not pressed.

Point No. 3.—On account of violation of Section 25-F, the termination of services of the applicants is held to be illegal and unjustified. As regards relief Shri Gopal Bihari Bhargava has stated that after 1994 the Scheme has been discontinued and no contract for any person was continued for collection of Laghu Bachat Yojna. Nothing has come out in his cross-examination. It is, therefore, proved that the Scheme in the Bank is not in operation. It has been held by the Rajasthan High Court that in appropriate case the Tribunal has power to grant relief other than reinstatement. The Scheme having been discontinued it will not be proper to grant relief of reinstatement. In the case of Indian Bank Association Bombay v/s. workmen of Syndicate Bank also the relief granted for absorption of the deposit collectors as regular employees was set aside by the Andhra Pradesh High Court. In the case of Management of Indian Bank the services of the second respondent was not discontinued on account of discontinuance of the Scheme. In my view it is a fit case in which instead of grant of relief of reinstatement, compensation be awarded. As regards compensation Shri Umesh Kumar Khandelwal has stated that he was earning remuneration about Rs. 4000 to 5000 per month at commission. There is no evidence on behalf of other applicants in this regard. It may be that all the applicants might be earning about Rs. 4000 on collections. They might be spending some amount also while going

door to door to collect the deposits and to attend the Bank to deposit the same. Dispute was raised by them after about two years of termination of their services. In view of the above circumstances it will proper to award compensation to each of the applicants cant a sum of Rs. 90,000. It is, therefore, ordered that each of the applicant will be entitled to a sum of Rs. 90,000 from the non-applicants. The non-applicants are directed to pay the above amount to the applicants within three months from the date of publication of the Award, failing which the applicants will be entitled to interest @ 10% per annum on the above amount from the date of the publication of the award.

The copies of the award may be sent to Central Government under Section 17(1) of the Act, 1947 for publication.

Sd/-

Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का. आ. 529.—श्रीदूषिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भासीगढ़ भासीगढ़ बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के लिये, अनुवंश में निरिष्ट श्रीदूषिक विवाद में केन्द्रीय सरकार श्रीदूषिक प्रधिकरण/श्रम मंत्रालय कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-2-2001 को प्राप्त हुआ था।

[सं. एल-12012/190/97-प्राई आर (वी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 16th February, 2001

S.O. 529.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Aligarh Gramin Bank and their workman, which was received by the Central Government on 15-2-2001.

[No. L-12012/190/97-IR(B-I)]
AJAY KUMAR, Desk Officer.

ANNEXURE

BEFORE SRI R. P. PANDEFY, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR

Industrial Dispute No. 84 of 1998.

In the matter of dispute between :—

Shri B. P. Agrawal,

General Secretary,

Aligarh Gramin Bank Employees Union

Quila Gate Yashoda Bhavan Sital,

Hathras-202001,

AND

Adhyaksha
Aligarh Gramin Bank
Pradhan Karyalaya
Hidaggi Road,
Aligarh-202001.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/190/97-IR (B-I) dated 29-4-98, has referred the following dispute for adjudication to this Tribunal :—

“Kya Aligarh Gramin Bank, Aligarh ke Adhyaksha ke dwara Sri Bhanu Pratap Agrawal ke 4 vetan vraddhi ko rokane ka dand dena uchit aur vaidhik hai ? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai ?”

2. Although I have heard the representatives for the parties on the preliminary issue 'whether domestic enquiry was fairly and properly conducted by the enquiry officer or not', but final award is being passed because after going through the record of the case I have come to the conclusion that the domestic enquiry was fairly and properly conducted in the case before impugned order of punishment was passed against the concerned workman and is the quantum of punishment has not been disputed before me.

3. The statement of claim has been filed on behalf of the workman with the allegations that Sri B. P. Agrawal, the concerned workman is employed as clerk-cum-cashier in Aligarh Gramin Bank. By nature of his employment he falls in the category of workman as defined u/s 2(s) of the Act. While he was posted at Palilakhimpur Branch of the bank he was served with a chargesheet dated 16-1-89 by the Chairman of the bank. The charges related to Nagla Gajua Baramai Branch of the bank where the workman was posted from 22-5-86 to 3-6-88. Consequent to the issuance of chargesheet an enquiry was instituted against the workman. In the begining the enquiry was conducted by Sri Rajiv Sharma and later on it was conducted and concluded by Sri P. C. Batra, the enquiry officer. It has been alleged that the enquiry officer did not conduct the enquiry properly and fairly. It has been alleged that the workman wanted to engage Sri N. K. Pandey an employee of Union Bank of India as his defence representative but the enquiry officer did not permit him to do so, hence he could not get defence representative of his choice during the course of his enquiry, therefore the enquiry is vitiated being in violation of principles of natural justice. It has been alleged that the evidence of M.W.1 was not properly recorded by the enquiry officer. It has also been alleged that proper cross-examination of M.W.1 was not allowed by the enquiry officer and the concerned workman was not allowed to look into the original ledger relating to the case whose copies were produced before the enquiry officer. It has also been alleged that statement of Nathlal, Jawahar Singh and Shyam Vir Singh were recorded during the course of preliminary enquiry/investigation but they were not made available for cross-examination

during the course of departmental enquiry, hence the enquiry proceedings are vitiated. It has also been alleged that enquiry officer submitted enquiry report which was perverse. The punishing authority issued a show cause notice to the concerned workman for showing cause against the proposed punishment and a copy of report of enquiry was given to the concerned workman who submitted reply to that show cause notice, but the punishing authority passed the impugned order of punishment without caring for the evidence on the record. It has also been alleged that impugned order of punishment passed on such enquiry is also vitiated and is liable to be quashed. On the basis of these allegations it has been prayed that the impugned order of punishment passed against the concerned workman may be set aside.

4. The management has filed written statement in which it has been alleged that domestic enquiry was fairly and properly conducted by the enquiry officer against the concerned workman and he was given full opportunity to cross-examine the witnesses examined during the course of enquiry and to adduce evidence in his defence. It has also been alleged that the enquiry officer permitted the concerned workman to engage defence representatives of Gramin Bank Aligarh and he had engaged two persons as defence representatives during the course of enquiry, hence the enquiry cannot be held illegal merely because an outsider of the Aligarh Gramin Bank was not allowed to work as defence representative of the concerned workman. It has also been alleged that enquiry report submitted by the enquiry officer was based on evidence on record and there was no perversity in it. It has also been alleged that the punishing authority agreeing with the findings of the enquiry officer passed impugned order of punishment and there is no illegality in the order passed against the concerned workman. It has also been alleged that appeal filed by the concerned workman against the impugned order of punishment has been rejected by the appellate authority. It has been prayed that the reference may be answered against the workman and in favour of the management.

5. The workman filed his rejoinder in which he has reiterated the facts alleged in the statement of claim.

6. On the basis of the pleadings of the parties following preliminary issue was framed in this case :—

“Whether the domestic enquiry conducted by the management was not fair & proper ?”

7. The documents filed by the management relating to the domestic enquiry were exhibited with the consent of the parties and no oral evidence was adduced by the parties on preliminary issue. The representatives for both the parties were heard on the aforesaid preliminary issue.

8. The authorised representative for the workman has argued that the concerned workman wanted to engage Shri N. K. Pandey, an employee of Union Bank of India as his defence representative but the enquiry officer did not permit him to do so hence enquiry proceedings are vitiated. After going through the record of the case, I do not find any force in this contention. The enquiry officer had

himself asked the delinquent employee to engage defence representative from amongst the employees and officers of the Aligarh Gramin Bank, but instead of engaging them as his defence representatives he made a request to engage an outsider as his defence representative which request was not accepted by the enquiry officer. The concerned workman had engaged two defence representatives who were employees and officers of Gramin Bank Aligarh, had cross examined the witnesses at great length and had raised many legal objection based on different rulings of the High Court during the course of enquiry. I am not prepared to believe that any prejudice was caused to the concerned workman on account of the fact that an outsider of the bank was not allowed to work as his defence representative during the course of enquiry. In my opinion officers and employees of the Aligarh Gramin Bank who worked as defence representative of the concerned employee were fully acquainted with the working and procedure in the Gramin Bank and were in better position to defend the concerned employee in the domestic enquiry held regarding his duties and conduct in discharge of his duties as clerk-cum-cashier in the bank. In these circumstances, I reject the aforesaid contention of the representative of the workman.

9. The authorised representative for the workman has argued that answers given by Sri S. K. Srivastava, M.W.1 were not correctly recorded by the enquiry officer for which objection was raised by the defence representative. He has also argued that legitimate cross-examination of Sri A. K Varshney M.W. 2 was not allowed by the enquiry officer during the course of enquiry, hence the enquiry proceedings are vitiated. I have gone through the statements of M.W. 1 and M.W. 2 recorded by enquiry officer during the course of enquiry. The record shows that defence representative was allowed full opportunity to cross examine the witnesses and statements were recorded in detail by the enquiry officer. If the enquiry officer did not allow some question which according to him were irrelevant it cannot be said that the defence representative was not allowed to make legitimate cross examination of the witness and the evidence of the witnesses were not properly recorded. The aforesaid contention of the representative for the workman appears to be baseless and is hereby rejected.

10. The representative for the concerned workman argued that during the course of enquiry Presenting Officer filed photo copy of the ledger and the defence representative requested for the comparison with the original but the same was rejected by the enquiry officer, hence the enquiry was vitiated. The record shows that the Presenting Officer had filed photocopies of the ledger which were attested to be the true copies by branch manager concerned. Photocopies are as good as originals. In these circumstances, if the enquiry officer did not allow defence representative time for comparing the true copies of the ledger with the originals it was of no consequence. The authorised representative for the workman has not been able to show me as to how it has prejudiced the case of the concerned workman with the entries made in the ledger have not been disputed by the concerned employees.

11. It has been contended by the authorised representative for the workman that Statements of Nathilal, Jawahar and Shyam Vir Singh were recorded during the course of preliminary enquiry/investigation but they were not examined during the course of enquiry by the management and they were not allowed to be cross examined by the concerned workman, hence the enquiry proceedings are vitiated. After going through the record of the case, I do not find any force in this contention. Shyam Vir Singh was examined as D.W. 1 by the concerned workman. He has admitted his statement marked Ext. MEX. 6 during the course of his cross-examination in which he has stated that he had deposited Rs. 200 with the concerned clerk who had issued pay-in-slip and had also made an entry in the Loan Pass Book. His evidence goes to support the case of the management instead of supporting the case of the delinquent employee. When the concerned workman himself admitted that he made entry of Rs. 200 in the Loan Pass Book of Nathilal on the same day on which Rs. 200 was tendered in the bank, the evidence of Shyam Vir Singh recorded during the course of preliminary investigation becomes of little importance. So far as the charge No. 2 relating receipt of Rs. 2276 by the concerned workman on 7-5-88 is concerned the concerned workman had admitted during the course enquiry that he had received the aforesaid amount from Adal Singh who had an account in the bank. It is also established that he made entries of Rs. 2250.50 paise only in the record of the bank. This is sufficient to indicate that Rs. 55.50 paise were pocketed by the concerned workman for his own use. In these circumstances if Shri Adal Singh was not examined during the course of domestic enquiry it is of no consequence. It is notable that the charges against the concerned workman were found to be proved by the enquiry officer on the basis of oral and documentary evidence adduced before him. I do not find any illegality or perversity in the findings recorded by the enquiry officer.

12. In view of above considerations I find that domestic enquiry held against the concerned workman was fairly and properly conducted. The punishing authority gave a show cause notice to the concerned employee alongwith copy of enquiry officer's report and also gave him a personal hearing. The disciplinary authority also agreed with the findings of the enquiry officer and passed impugned order of punishment against the concerned workman keeping in view the seriousness of the charges proved against him.

13. In view of findings recorded above, I hold that the impugned order of punishment of withholding 4 increments with cumulative effect passed against the concerned employee is fair and legal. Consequently the concerned employee is not entitled to any relief in pursuance of reference made to this Tribunal.

14. Reference is answered accordingly against the concerned workman.

Dated : 9-2-2001

R. P. PANDEY, Presiding Officer

नई दिल्ली, 15 फरवरी, 2001

का. आ. 530.—श्रीधर्मिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरायर मेंसर्स ओ. एन. जी. सी. निमि. के प्रबन्धन तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधर्मिक विवाद में श्रीधर्मिक प्रधिकरण गुवाहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-2-2001 को प्राप्त हुआ था।

[म. एन-20040/77/95-शाई आर (सी-1)]
एम. एन. गुप्ता, अवर सचिव

New Delhi, the 15th February, 2001

S.O. 530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Guwahati as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and their workman, which was received by the Central Government on 8-2-2001.

[No. L-20040/77/95-IR(C-I)]
S. S. GUPTA, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI ASSAM

Reference No. 3(c) of 1996

PRESENT :

Shri K. Saima, LL.B., Presiding Officer,
Industrial Tribunal, Guwahati, Assam.

In the matter of an Industrial Dispute between:
The Management of Oil and Natural Gas Corporation Nazira.

Vs.

Their Workmen Md. Safiratdin Ahmed and 17
others workmen, O.N.G.C. Ltd., Nazira.

Date of Award :—30-11-2000

AWARD

The Govt. of India, Ministry of Labour, vide order No. L-20040/77/95-IR (Coal-1) dated 21-11-96 has made this reference to this tribunal to adjudicate the dispute arising between the Management of Oil and Natural Gas Corporation O.N.G.C. Nazira, and their workmen Md. Safiratdin Ahmed and 17 others out of non-regularisation of their services by the management and also for not paying equal wages at par with their direct counterparts, Nazira. The referring authority has framed the following issue for the purpose of adjudication of the matter in controversy between the parties :

“Whether the demand for regularisation by management of Oil and Natural Gas Corporation, Nazira and equal wages at par with their direct counterparts by S/Shri Jatin

K. Nath, Md. Safiratdin Ahmed, Sri Doba Kanta Das, S. K. Nurmohammad Ali, Sriprasad Das, S. K. Basiratdin Ahmed, Anil Ch. Das, Dijen Kakaty, Pranab Borah, Parag Phukan, Prafulla Das, Bhadra Kanta Das, Rupam Kr. Das, Bipul Borah, Sunil Dey, Atul Ch. Das, Md. Rofiqual Hussain and Biju Nath is legal and justified? If so, to what relief are these workmen entitled?”

On receipt of reference, this tribunal has registered this case and issued of notices to both the parties calling upon them to file their written statement/add. written statement and documents, in support of their respective claim, in response to which, both the parties have filed their written statements/add. written statement and documents and also adduced oral evidence by both the parties. After completion of recording evidence, learned advocate for the management and the representative of the workers union have argued the case at length and also submitted written argument.

The case of the workers union as reflected in the written statements in brief is that the 17 workers mentioned in the schedule of the reference are native of the Sibsagar District where Regional Office of the management is located. The management of O.N.G.C. for the purpose of exploration of Oil has acquired land belonging to the workers family in the year 1986 with an assurance to provide job to atleast one of the members of affected families, temporarily, and thereafter on permanent basis. When management was failed to comply with assurance a discussion was held between representative of the workers union, management and District Administration of Sibsagar District and some local political leader as is reflected to ext. 15. After prolonged discussion between the management and representative of the workers union and district administration, the workmen were engaged in the year 1986/87 as Security Guard as temporary workers, but their services have not been regularised by the management inspite of repeated demands from the side of workmen. The workmen being unable to achieve their object has raised an Industrial dispute before the concerned labour authority who has tried to settle the matter on conciliation between management and the union representative held on 22-9-95, but having failed to resolve the dispute by way of conciliation, the matter was referred to appropriate Govt. who has ultimately made this reference to this tribunal.

In the written statement, workmen has contended that they have been working as Security Guard at O.N.G.C. for more than 10 years since 1986/87, but management has not regularised them inspite of having scope for regularisation and hence action of the management is nothing but unfair labour practice and as such management may be directed to regularise their service. Workmen has exhibited some documents like exts. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 etc. which, in a nutshell, show that correspondence between management and workmen since the stage of initial engagement has been made their demand for regularisation and also letter issued by the management calling upon the workmen to appear before

the interview board for regularisation and also for submission of necessary particular in support of their candidature etc. Ext. 15 mainly show the minutes of discussion between representative of the workers union, District Administration, management and political leaders regarding their absorption by the management as a member of land affected family.

The management on the other hand has opposed the case by filing written statement contending interalia that the present dispute is not an Industrial Dispute and workmen are not a workmen within the meaning of I.D. Act. It is further contended that workmen are contract labour engaged through contractor and there exists no direct relationship between principal employee and workmen and hence without declaration by the Central Govt. Under Section 10 of the contract labour (Abolition and Regulation Act) 1970 to the effect that they are not contract labour, this tribunal has no jurisdiction to adjudicate the dispute raised by the workmen. It is further contended that the workmen are engaged by those contractors who have supplied workmen to the O.N.G.C. as per agreement exts. A, B, C, D, E, F, G, H, I, J, K, L, M, etc. issued between management and the contractors and hence their demand for regularisation is not tenable in law. It is further contended that the issue framed by the referring authority is itself defective and hence the tribunal cannot decide the dispute by traveling beyond the track of the issue. The defect in issue as contended by the management is that it is mentioned in the schedule "Where the demand for regularisation by the management", as the demand for regularisation is raised by the workmen, and not by the management and hence this dispute cannot be decided by the tribunal and hence tribunal is left with no other alternative but to reject the reference. Management has adduced the evidence of MW and submitted some documents and in consideration of those materials they pray for answering the reference against the workmen.

In course of arguments the learned advocate for the management has mainly argued the following points.

1. The order of reference itself is bad in law in view of the fact that the regularisation of the service is demanded by the workmen and not by the management. But in the order of reference, it is mentioned that the regularisation has been demanded by the management and hence the tribunal cannot adjudicate the dispute by going beyond the track of reference.

2. The participant workmen are contract labour under the contractor engaged on daily wages. No relationship between employer and employee exists and hence the jurisdiction of tribunal is barred by Sec 10 of the Contract Labour (Regulation and Abolition Act) 1970. He relied his submission on 1999 LAB. IC. 2051 Guwahati.

3. The daily wagers are not entitled to regularisation of their service.

4. The alleged workmen cannot be regularised without adopting selection process.

5. Without permanent vacancy no order for regularisation can be passed.

In consideration of aforesaid points, learned advocate for the management has submitted that the reference may be answered in favour of management.

The representative of the workers union, on the other hand has submitted that the workers are not contract labour, but are regular casual employee engaged by the management directly since 1986-87 and since then they have been working at O.N.G.C. In support of their contention, he has pointed out to some documents like Exts. 1, 2 and 3 etc. issued by the management to some of the workmen regarding their appointment. He has further drawn my attention to last para of the conciliation proceeding before labour authority which runs as follows :

"The discussion over the dispute were held in light of the workmen, the documents of land loss and the manner of the employment of the workmen in the management. Certain suggestions were made to the management for considering their case as these workers do not strictly work under contract system. The management norms did not agree to the suggestions and continued to have divergent views as contained in their letter of comments. (Annexure-II). In view of the situation remained diversified, the dispute could not be resolved and proceedings ended in failure."

He has further submitted that the workmen have been paid by the management and their bill have been countersigned by the officer of the management in their works are supervised by their officers and for all purpose they have been contract employee of the management and not the contract labour. It is also submitted that the workmen before the interview board arranged by the management for their recruitment but ultimately it was no avail. Considering all the materials on record the union representative have prayed for answering the reference in their favour.

I have carefully considered the aforesaid submission raised by the representative of both the parties and also perused the entire materials on record for the purpose of arriving at a right and next decision of the reference.

So far as the contention raised by the management as to non-maintainability of the reference due to the 'So called defect in the schedule of the order of reference' is concerned, I find that there is no such glaring defect which renders the entire claim invalid in the eye of law. The contention of the reference is that whether the demand for regularisation by management of O.N.G.C., Nazira and equal wages at par direct counterpart by Shri J. Kr. Nath.....etc. This being the language of the reference, the learned advocate for the management has hammered that the demand for regularisation is raised by the workmen and not by the management as mentioned in the schedule and hence the schedule being defective in the eye of law cannot be adjudicated by the tribunal. But I am unable to accept this submission because of fact that the meaning of the language of the schedule is not as is interpreted by him. The meaning of the schedule cannot be construed in the way as has been made by the learned advocate for the management by reading first line of the reference, but should be constructed in proper manner by reading the schedule as a whole. If language of the schedule is read as a whole, it is clear that the demand is raised by the

workmen for regularisation of their service by the management, who is the authority to do so, and to pay them equal wages with their direct counterparts. Both these demands have been raised by the workmen as mentioned in the schedule and as such the language of the schedule does not mean that demand for regularisation is raised by the management. This being the proper interpretation of the meaning of the schedule, I held that there is no defect in schedule disbarring the tribunal from deciding the issue in question.

The most importance question in this reference is whether the workmen involved in the case are contract labours or direct employees of the management. The management has contended that workmen are contractor labour employed by the contractor. But it is again submitted that the workmen themselves are contractor as is evidence from Ext. A, B, C, D, E, F, etc. are some of the agreements issued between contractor and the management. On perusal of these documents, I find that these have been shown to have been executed between the management and some of the workmen. But if the workmen themselves are contractor then who are the workmen? Although the management has submitted that the workmen themselves are contractor, but in page 5, part I of the written statement, it is mentioned that the persons who are the subject matter of reference have been engaged by the contractor. This being the own admission of the management in the written statement. I find it difficult to believe that Ext. A to G by which management has tried to establish that workman are contractors. If the written statement is believed than, documents cannot be believed. A part from that from perusal of the oral evidence adduced by the party, I find that no where it was established that workman themselves are contractor. In view of this, if the workmen are considered to be contract labour as per contention of the management, then there must be a contractor who has engaged them. The learned advocate for the management has submitted that if there is a genuine contractor between management and the contractor engaged the contract labour then without abolition of contract labour system by the Govt. by the notification or approach from the workmen under section 10 of the Contract Labour (Regulation and Abolition Act) 1970 the workman cannot raise the industrial dispute and this tribunal has no jurisdiction to adjudicate the same. The proper remedy of the workman lies before the Central Govt. not before this tribunal. If the contract is un-genuine or camouflaged, this tribunal has jurisdiction to adjudicate the dispute. Whether contractor is a genuine or un-genuine, it is to be judged considering the entire facts and circumstances of the case. To be a genuine contract both principal employer and workmen must have licence under the provision of the contract labour (Regulation & abolition) Act 1970. Here in this case, as already discussed, above management has not been able to establish who is the contractor engaging the contract labour. Moreover in the last page of the conciliation proceeding 'annexure 7' it is mentioned that these workers do not strictly work under contract system nor any contractor has been examined by the management to establish the fact that the workmen have been engaged by the contractor. Ext. B bill of the contractor has also been countersigned by the officer of the

management. All the workmen have been working as Security Guard under the Supervision of the management Security Officer who are M.W. 1 and 2. Ext. 'Q' is the licence issued to the management by the labour authority to engage the contract labour. But this document alone is not sufficient to prove that the workmen have been engaged by contractor without establishing the fact that who is the real contractor. Although the learned advocate for the workmen has drawn my attention 1999 LAB. IC. P. 2051 Gauhati High Court when it is held that without relationship between workmen and principal employer, demand for regularisation cannot be raised. Relevant portion is as follows :

"Contractor Labour (Regulation and Abolition Act. (1970), S. 10-Regularisation of services petitioners were Works Contract Labourers engaged on daily wage by Oil India Ltd. No relationship of employer and employee between Oil India Ltd. and petitioners. No documentary evidence showing that they were paid by Civil India High Court cannot refer matter regarding their regularization to Industrial Tribunal-petitioners can take up matter with appropriate Government for consideration for abolition of contract labour by issuing necessary notification under S. 10 of the Act."

I am in respectful agreement with aforesaid decision of our own High Court, but under the fact and circumstances of the case this decision has no help to the management. This is because, the workers in this case have been not established to have been engaged by the contractor but direct employee of worker and hence there is a direct relationship between the workmen and the management. From whatever angle, the case is indeed, I do not find any materials to hold that the present workmen are contract labour having been engaged by the contractor and hence their claim is not barred by Section 10 of the Contract Labour (Regulation and Abolition) Act 1970

Learned advocate for the management has further submitted that as the workmen involved in this case is less than 20 and contractor engaging them is not required to obtain any licence in view of the provision laid down in Sec. 164(A) of the Contract Labour (Regulation & Abolition) Act 1970. But the fact who was the contractor engaging the workmen in this particular case has not been established by the management by adducing reliable evidence. I do not think it necessary to discuss whether the 'So called' contractor has any licence or not.

All the aforesaid discussion has made it clear that there is no genuine contract between employer and contractor to engage the contract labour and management has miserably failed to establish the claim that the workmen are contract labour.

Another contention raised by the management is that daily wages are not entitled to regularisation. He has relied his submission on 1977(1) SCR p 88. But herein this case I find that these workmen have been working as Security Guard since 1986/87 and they have been paid monthly basis by a bill prepared by the officer and counter-signed by the management officer. In view of this it cannot be said that the workmen are daily wage earners and are not entitled to regularisation. Another point agitated by the management is that without permanent vacancy

and without adopting selection process order for regularisation cannot be passed. He has based his submission on 1997 SCC VOL. 4, p. 60 & JT 97-VOL-4, P. 724. I am in respectful agreement with aforesaid point of law laid down by the Appex Court. But herein in this case interview letter ext. 1, 2, 3, etc. submitted by the workmen have established that there is a regular vacancy for which process of selection has been adopted but workmen have not been absorbed there permanently. This being so, aforesaid ruling cited by the learned advocate for the management is not applicable in this case.

The contention of the workmen, on the otherhand, has already mentioned herein above, has been supported by the materials on record and the point of law applicable in the facts and circumstances of this case. All these workmen being native of Sibsagar District belonging to family from how land has been acquired for the purpose of expanding their business establishment. Ext. 15 was established that there is a long discussion between management and representative of the workmen, District Administration of Sibsagar and other political Leader wherein it was agreed to engage at least one member of the affected family of O.N.G.C. as relief to them, firstly temporarily and thereafter permanently. Since 1986-87 the present workmen have been working as Security Guard till today. This aspect of the case shows that work done by the workmen are perennial in nature which has strengthened the claim of the workmen for regularisation. In view of this they have every right to demand for regularisation which the management ought to do in the interest of justice and equity and accordingly this reference needs to be answered in favour of the workmen.

For the forgoing reasons, I hereby order that the management of O.N.G.C. should regularise the service of the workmen within a year from the date of this award. If all of them cannot be regularised within aforesaid period, they should be paid equal remuneration with that of the regular employee working in their status till regularisation.

With this direction reference is answered in favour of the workmen. Prepare an award accordingly.

K. SARMA, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का आ. 531—श्रौद्धोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के प्रन्तरण में केन्द्रीय सरकार वैक ऑफ इण्डिया के प्रबन्धतंत्र के संबंध मिंयोजकों और उनके कर्मकारों के बीच, अनुबंध में विविध श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण/श्रम व्यायालय, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-2001 को प्राप्त हआ था।

[सं. एल-12012/194/99-श्राई आर (वी-II)]

मी. गंगाधरण, अवग सचिव

New Delhi, the 16th February, 2001

S.O. 531.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the
570 GI/2001-16

Central Government Industrial Tribunal/Labour Court, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 14-2-2001.

[No. L-12012/194/99-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR
Case No. J-65/99

Reference No. L-12012/194/99/IR(B-II)

Dated : 27-10-99.

Bank of India Staff Union,
Through General Secretary,
Johri Bazaar Branch,
66, Pansari Chambers, Johri Bazaar,
Jaipur (Rajasthan).

..APPLICANT

V/s.

Chief Regional Manager,
Bank of India Regional Office,
Rajasthan Region, Nakoda House,
C-63-B, P.B. No. 346, Sarojini Marg,
C-Scheme, Jaipur (Rajasthan).

..NON-APPLICANT

ATTENDANCE :

For the applicant—Shri Suresh Kashyap.

For the non-applicant—Shri T. P. Sharma.

Date of Award : 30-1-2001

AWARD

The Central Government has referred the following industrial dispute under clause (d) of Sub-Section (1) of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication :

“Whether the action of the management of Bank of India in considering the request of the employee Shri K. N. Sharma, sub-staff for change of Inquiry Officer and not allowing the evidence of defence witness was according to principles of natural justice? Whether the penalty imposed on Shri Sharma is justified and legal? If not, what relief is the employee entitled to?”

The Bank of India Staff Union (hereinafter referred as Union) filed the statement of claim stating that Union is a registered trade Union, the members of which are the working employees of the Bank of India (hereinafter referred as the Bank). K. N. Sharma is a member of the Union and is working in the Bank. The Bank issued the following charge-sheet dated 27-5-97 against K. N. Sharma (hereinafter referred as the delinquent) :

आरोप पत्र

बैंक के अधीनस्थ स्टाफ भिन्न के रूप में आपने कार्यों के नियंत्रण के दोगांन आग के हात भिन्न कदाचार के कार्य करने के आरोप दाव एवं नगाये जाने हैं।

कि 1-5-97 का भद्रम प्राधिकारी की अनुमति लिए बिना आप शाखा न उगमग 4.15 अगगहन नहीं गये। इस सामने की जानकारी दैक के हैंड प्रिंट श्री पास पास। छीपा डाग कायवाहक उप प्रबन्धक (प्रशासन) श्री टडन को दी गई। उल्लोने श्रील छीपा को हस बारे में अगले दिन जानकारी प्राप्त करने को कहा। दिनाक 2-5-97 का प्राप्त: लगभग 9.15 बजे जब आप काउटर की सफाई कर रहे थे, आपसे थी पास पास। छीपा न थी प्रार. पास। टंडन सी उपस्थिति में बिनाक 1-5-97 को बिना अनुमति लिए जल्दी बैठे जान का कारण था। जिस पर आगते अनुचित तरीके में जिल्लाना शुरू कर दिया था निम्न कथन किया:—

“तुम कान हांति हो मुझमे पूछा वाला, तेरी ओकात ही क्या है। तेरे को समझ लूंगा। त यहां प्राप्त को क्या समझता है।”

श्री छीपा डाग आपसे यह कहने पर फि आप उन्हें तरह गाली नहीं दें गकने, आप श्री टडन की उपस्थिति में श्री छीपा पर झपटे व उन पर आरोग्य रूप रो हमला किया, हस पर श्री छीपा ने श्री प्रतिकार दिया।

इस प्रतिकार प्राप्तके विवर यह भर्ता भगवा जाना है कि आपने शाला परिमार में अभद्रतापूर्वक एवं उभद्वयी आचरण किया एवं श्री छीपा पर शारीरिक हमला किया, प्रमाणित होने पर यह दिनाक 19-10-66 के डिप्लोमा समझौते के निम्नाकित पैरा 19.5 (सी) के अर्थों में कदाचार के कार्य हैं—

“बैंक परिसर में नरों की हालत में जाना या उपब्रवी या कदाचित या अभद्रतापूर्ण ध्यग्हार करना।”

The allegations in the charge-sheet were denied by the delinquent. However the Bank appointed enquiry officer whose appointment was illegal. The enquiry officer conducted the enquiry under pressure of the management of the Bank and knowingly held proved the charges against him. The delinquent made a request for change of the enquiry officer but the request was not accepted. It was stated that on behalf of the Bank one witness was produced who was on leave on the date of the incident but his statement was believed. On behalf of the delinquent three witnesses were to be examined but the enquiry officer did not record the statement of one of the witnesses on the ground that he was defence representative in the enquiry. The act of the enquiry officer in not permitting the delinquent to produce his witness is against the principles of natural justice and therefore, the enquiry held against him is unjust and unfair. It was stated that the delinquent is the member of the minority Union and the disciplinary authority has prejudices against the said Union. The delinquent has

been punished for demoralising the minority Union and to protect the members of the majority Union. The disciplinary authority by order dated 30-9-97 imposed penalty of reduction of basic pay by two stages, which was modified by the appellate authority to reduction of the basic pay by one stage. It was stated that punishment awarded to the delinquent is illegal and unjust as charges framed against the delinquent are not proved. It was prayed that the enquiry held against the delinquent be declared unfair and illegal being against the principles of natural justice and punishment awarded to the delinquent be set aside.

The bank in reply to the claim admitted that charge-sheet dated 27-5-97 was served upon the delinquent. It was denied that appointment of the enquiry officer was illegal. It was also denied that charges were held proved by the enquiry officer under pressure of the management of the bank. It was also denied that the witness produced on behalf of the Bank was on leave on the day of incident. It was asserted that enquiry against the delinquent was conducted as per rules and according to the principles of natural justice. It was stated that the charges were proved against the delinquent and the punishment awarded is just and legal. It was denied that the delinquent has been victimised on account of being the member of the minority union.

Heard arguments of the learned representative of the Union and the learned counsel of the bank and perused the record.

The learned representative of the Union has challenged the enquiry against the delinquent on the ground of violation of principles of natural justice only. His only contention is that the delinquent made a request to the enquiry officer that he may be permitted to produce Arvind as defence witness, but the request was turned down by the enquiry officer on the sole ground that he being the defence representative cannot be permitted as a defence witness. The learned representative has contended that the delinquent has been deprived of his right to produce his witness in the enquiry and therefore, principles of natural justice have been violated, and the enquiry, therefore, is vitiated. In support of his arguments he has cited 1978 (37) FLR page 148 Motor Industries Co. Ltd, Bangalore V/s. Shaikh Mohd. and another. In the above case it was contended that prosecutor gave evidence on behalf of prosecution and therefore, rules of natural justice have been violated. The above contention was not accepted and it was held that there is no failure to observe the rules of natural justice. The learned counsel for the Bank on the other hand has argued that the above authority is not applicable in the present case. He has also contended that in reply to show cause notice dated 16-9-97 the delinquent has not raised the above objection.

The perusal of the enquiry proceedings shows that the delinquent raised the objection for not permitting the defence representative as a witness as unjust and not acceptable to him. The enquiry officer did not give any reasons for not permitting the defence representative as defence witness except that he was the defence representative. There is no bar that defence

representative cannot appear as witness in support of the case of the delinquent. When as per the judgement of the Karnataka High Court referred above, presenting officer can appear as witness on behalf of the prosecution without infringing principles of natural justice, there appears to be no bar for defence representative to give evidence in support of delinquent. The enquiry officer, therefore, has violated valuable right of the delinquent by disallowing the defence representative to appear as a defence witness and thereby violated the principles of natural justice. As regards the waiver on the part of the delinquent for not raising the above point in reply to show cause notice, the penalty order dated 30-9-97 is silent about the grounds taken by the delinquent in reply to the show cause notice dated 16-9-97. It cannot, therefore, be held that the delinquent has waived the above objection for not permitting the defence representative to appear as a witness.

The enquiry conducted against the delinquent by the enquiry officer is therefore, held to be unfair being against the principles of natural justice and, therefore, the same is vitiated. The learned representative of the Union has not pressed any other point regarding the fairness of the enquiry. As the enquiry is vitiated the order of the disciplinary authority dated 30-9-97 by which the penalty of reduction of basic pay by two stages was imposed upon the delinquent and the order of the appellate authority vide which the penalty was modified by the reduction of basic pay by one stage are set aside.

The copy of the award may be sent to the Central Government for publication under Section 17(1) of the Act, 1947.

Sd/-
Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का. आ. 532.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरन में, केन्द्रीय सरकार, सिडिकेट बैंक के प्रबन्धनात्मक के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-2001 को प्राप्त हुआ था।

[सं. पल-12012/167/99-आई आर (बी-II)]
सी. गंगाधरण, अबर सचिव

New Delhi, the 16th February, 2001

S.O. 532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 14-2-2001.

[No. L-12012/167/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Cas No. J-63/99

Reference No. L-12012/167/99-IR(B-II) Dated 29-9-99.

Shri Shailender Kr. Awasthi,
B-37, Vidyut Nagar,
Ajmer Road,
Jaipur (Rajasthan)

—Applicant.

V/S

Dy. Gen. Manager,
Syndicate Bank,
Zonal Office, 43/28
Naval Kishore Road,
Skylark IIIrd Floor
Lucknow (U.P.) 226001.

—Non-Applicant.

ATTENDANCE :

For the applicant—Shri Suresh Kashyap.

For the non-applicant—Shri Anurag Agarwal.

Date of Award—8-1-2001.

AWARD

The Central Government has referred the following industrial dispute under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as the Act, 1947) for adjudication.

“Whether the action of the management of Syndicate Bank Lucknow in terminating the services of Sh. Shailender Kumar Awasthi by way of voluntary retirement vide order dated 13-11-97 is just, fair and legal? If not, what relief he is entitled to and from what date?”

The applicant filed the statement of claim stating that he was appointed as a clerk in Syndicate Bank (hereinafter referred as the Bank) on 22-6-78 at Bisawar Branch. On completion of probation period he was confirmed. While he was posted at Cholas Branch of the Bank in Distt : Gautam Budh Nagar in the year 1997 he received intimation regarding serious illness of his wife who was at Jaipur. Under these circumstances he submitted one month's leave application from 22-4-97 in the Bank's prescribed proforma to the Manager, Cholas Branch. Since leave applied for was not declined, he proceeded on one month's leave on 22-4-97. As his wife was not able to stand and walk due to orthopaedic problem he had to attend her and was also required to look after his children and household work, he had to extend leave due to illness of his wife for two months from 22-5-97 to 21-7-97 vide application dt. 9-5-97. There being no improvement in condition of his wife, he had to extend leave for a further period of two months from 22-7-97 to 21-9-97 vide application dt. 11-7-97 and thereafter for one month from 22-9-97

vide application 10-9-97. While he was on leave he received letter dt. 27-9-97 from Divisional Office Ghaziabad on 18-10-97 intimating that he was absent from 22-4-97 without any application of leave. Since he was regularly submitting applications the above letter surprised him and he submitted leave application dt. 21-10-97 immediately to the Manager, Cholas Branch requesting for leave and intimating that he will resume duties after Deepawali. Unfortunately on the day of Deepawali i.e. on 30-10-97 his son received serious burn injuries from the crackers. The applicant was thus forced to extend leave and sent telegram on 18-11-97 to the Manager, Cholas Branch requesting for leave upto 30-11-97. He reported for duty on 1-12-97 and delivered a letter on the same date to the Manager. The Manager did not permit him to join duty and gave a letter to him on the same date through which he came to know that Zonal office had imposed voluntary retirement on the applicant vide letter dt. 13-11-97 which was never received by him. Thereafter he had submitted letter dt. 2-11-97 to the Divisional Manager, Ghaziabad with a copy to the Zonal Office, Lucknow in reply to which he received a letter dt. 16-12-97 from Zonal Office vide which it was communicated that he was treated to have voluntary retired from service in terms of para 17(a) of the Bipartite Settlement dt. 10-4-89. Feeling aggrieved of the action of the Bank he approached Union who advised to raise a industrial dispute before the Assistant Labour Commissioner Dehradun. Accordingly the dispute was raised before the above authority where the conciliation proceedings having being failed, the dispute was referred for adjudication. It was further stated that as per para 17(a) of the Bipartite Settlement the Bank had not stated the grounds for coming to the conclusion that he had no intention to join duties and did not furnish necessary evidence for invoking above provisions. It was further stated that any clause in the certified standing orders providing for automatic termination of service of permanent employees would be bad if it does not provide an opportunity of hearing. The provisions of para 17(a) of the settlement is bad in law and action of the Bank treating the applicant to have voluntary retired amounts to retrenchment. Since no retrenchment compensation has been made, provisions of section 25(F) of the Act, 1947 have been violated. It was prayed that termination of his services vide order dt. 13-11-97 be held unjust, unfair and illegal and he may be reinstated in service w.e.f. 13-11-97 with back wages and other consequential benefits.

The non-applicant filed reply to the claim. In the reply it was pleaded that the Tribunal has no territorial jurisdiction to adjudicate the dispute. It was admitted that the applicant was appointed as clerk on 22-6-78 and was posted at cholas branch in the year 1997. It was denied that he submitted any leave application on the grounds of illness of his wife to the manager Cholas Branch. It was also denied that he had submitted any application of leave dt. 9-5-97, 21-10-97 or on any other date. It was stated that the applicant was habitual in absenting from office without submitting any leave application. In spite of repeated advises he did not mend his ways and observed leave rules. During the period from 8-8-96 to 1-12-97 as many as 11 letters were served on the applicant for his absence without submitting proper leave application or having leave at

his credit. The applicant was absent from 22-4-97 continuously. He was called upon by Cholas Branch of the Bank to join duties within 7 days of the receipt of the letter. The applicant did not join duties and he was treated to have been voluntary retired from 13-11-97 after due service of notice by Zonal Office, Lucknow of the Bank. It was further stated that banking is the public dealing service. The provisions to obtain prior permission before availing leave have been made to enable the Bank to make alternative arrangement during the intended absence of the employee so that customers' service may not be affected. In case, employees proceed on such absence without any regard of leave rules it becomes difficult for the Bank to make alternate arrangement to ensure smooth functioning. It was stated that the total unauthorised absence of the applicant alone was 494 days. It was further stated that inspite of notice dt. 26-9-97 the applicant had not responded to join duties within 30 days and, therefore, the Bank was perfectly justified in invoking para 17(a) of the settlement. It was denied that the applicant's case was falls within the definition of retrenchment. It was also pleaded that before raising the demand before the conciliation officer, no demand was raised by the applicant before the Bank and, therefore, the reference is illegal.

The applicant filed rejoinder to the reply reiterating the facts in the claim petition. It was also pleaded that para 17(a) of Bipartite Settlement is not applicable to him. In the alternative it was pleaded that provisions of Bipartite Settlement do not override provisions of Act, 1947.

On behalf of the pleadings of the parties the following points of disputes were framed :—

विवाद बिन्दु :—

- (1) आया इस अधिकरण को इस निर्देश को सुनने का टेरी-टोरियल क्षेत्राधिकार नहीं है ?
- (2) आया जवाब के खण्ड संख्या-15 के अनुसार निर्देश अवैध है ?
- (3) आया प्रार्थ की सेवा समाप्ति स्वैच्छिक सेवा-निवृत्ति के आधार पर वैध एवं उचित है ?

Point number 1 was taken to be the preliminary issue and was decided against the non-applicant vide order dt. 14-7-2000.

In support of the claim the applicant submitted his own affidavit. The learned counsel for the non-applicant was given opportunity to cross examine him on his affidavit. In the form of documentary evidence, the applicant filed the copies of applications dt. 9-5-97, 11-7-97, 10-9-97, 21-10-97, 1-12-97, 2-12-97 and 15-5-98 marked Ex. W-1, W-3, W-5, W-9, W-13, W-15, W-17, respectively, copy of UPC Ex. W-2, W-4, W-6, W-10, copy of letter of Divisional Manager Ex. W-8, copy of telegram Ex. W-11, copy of medical certificate Ex. W-12, copy of letter of Manager, Cholas Branch Ex. W-14, copy of letter dt. 16-12-97 of the Assistant General Manager Ex. W-16, copies of prescription Ex. W-18 and 19, copy of certificate Ex. W-20

and the copy of the failure report Ex. W-22. On behalf of the non-applicant affidavit of Shri Premraj, Deputy Chief Manager (Personnel Department) of the Bank was filed. The learned counsel of the applicant was given opportunity to cross examine him on his affidavit. In the form of documentary evidence copies of letter marked Ex. M-2 to 9 and M-12, copy of AD Ex. M-3 and 10 and copy of telegram Ex. M-11 were filed.

Heard arguments of the learned counsels for the parties and perused the record. Point number 2 and 3 mentioned above are decided as follows :—

Point No. 2 : The learned counsel for the non-applicant has not pressed this point, hence it is decided against the non-applicant.

Point No. 3 : Para 17(a) of the Bipartite Settlement dt. 25-4-89 under the provisions of which the applicant was treated to have voluntary retired from service w.e.f. 13-11-97 is being reproduced as under :—

17(a).—“When an employee absents himself from work for a period of 90 or more consecutive days without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/ subsequently or when there is a satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties, the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of the notice, stating inter alia the grounds for coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days of the notice or gives an explanation for his absence within the said period of 30 days satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service.”

It is not disputed that the applicant was absent from duties from 22-4-97 upto the date of termination of his service i.e. 13-11-97. It is also admitted that letter Ex. M-4 dated 26-9-97 issued by Deputy General Manager of Zonal office of the Bank was received by the applicant. In this letter addressed to the applicant it has been stated that he is absent from his duty at Cholas Branch continuously from 22-4-97 without informing senior officer of the Bank and without submitting any application of leave. His attention has been drawn to the letter from Branch Manager dated 22-9-97 vide which he was asked to give satis-

factory explanation for his absence and to report for duty. It was also stated that on account of his continuous absence great inconvenience has been caused in customer service. He was asked to report for his duties within 30 days of the receipt of the letter giving satisfactory explanation for his absence. It was further stated that in case he does not report for duty within 30 days of the receipt of the letter, it will be deemed that he is not interested in joining duties and he will be treated to have voluntary retired from service as per the provisions of Bipartite Settlement.

The learned counsel for the applicant has contended that Bank committed error in invoking the provisions of para 17(a) of the Bipartite Settlement and treating the applicant to have abandoned his service at his own. His contention is that the applicant proceeded on leave on 22-4-97 after submitting leave application for one month as his wife had paralatic attack at Jaipur. Thereafter he submitted leave applications and telegram for leave upto 30-11-97. The applicant reported for duty on 1-12-97 alongwith the application but he was not taken on duty. Thereafter he sent letter dated 2-12-97 to the Divisional Manager for permitting to join duties marked Ex. W-15. He also sent letter dated 15-5-98 to the Deputy General Manager, Zonal office marked Ex. W-16 for permitting him to join duties. The learned counsel has contended that from the statement of applicant it is proved that the applicant had submitted leave applications from time to time and reported for duty also but was not allowed to join duty. From the conduct of the applicant no inference can be drawn that he was not willing to join his duties and the refusal of the non-applicant in permitting the applicant to join his duties amounts to retrenchment. He has relied upon FJR (vol 54) 167 G. T. Lad and others v/s Chemicals and Fibers India Ltd. and FJR (vol. 55) p. 210. He has also contended that applications sent under UPC will be deemed to have been received by the Bank as there is presumption about the same under Section 114 illustration (f) of the Evidence Act. He has relied upon RLR 1988 (I) 873 Satish Kumar Bansal v/s. State of Rajasthan in support of his contention. The learned counsel has also contended that concerned Branch Manager has not been examined to rebut the statement of the applicant and, therefore, the statement of the applicant should be relied upon. On the other hand the learned counsel for the non-applicant has contended that the applicant was habitual in absence from his duties. His unauthorised absence as on 30-6-96 was for 494 days. He was absent from his duties without any leave application from 8-4-96 about which letters were sent to him by the Branch Manager on 8-9-96 and 14-2-97 and by the Deputy General Manager, Zonal Office on 28-2-97. He has contended that the applicant did not submit any leave application and did not report for duties in pursuance to the letter Ex-M-4 dt. 26-9-97 and also did not submit any explanation for leave and in these circumstances the Bank was perfectly justified in invoking the provisions of Bipartite Settlement treating the applicant to have voluntary retired from his service. The reporting of the applicant for duty and giving explanation for his absence afterwards is meaningless. He has contended that the case of the applicant does not fall within the

definition of retrenchment and is squarely covered under para 17(a) of the Bipartite Settlement. In support of his contention he has relied upon the judgement of the Apex Court in civil appeal No. 4263/99 Syndicate Bank v/s. General Secretary Syndicate Bank Staff Association and another.

In the case reported in FJR (54) p. 167 it has been held by Supreme Court that abandonment is always a question of intention and normally such as intention cannot be attributed to an employee without adequate evidence in that behalf, whether there has been voluntary abandonment of service or not is a question of fact which has to be determined in the light of the surrounding circumstances. In the case reported in FJR (vol. 55) p. 210 it has been held that termination of service by striking of name of workman amounts to retrenchment. In the case reported in RLR(I) 873 it has been held that in case of letter sent by UPC, there is a presumption for its receipt unless it is shown that any thing happened which prevented delivery of letter. In the case of civil appeal No. 4263/99 clause 16 of the Bipartite Settlement which is being reproduced below was considered by the Apex Court and it was held that Bank had rightly invoked the provisions of Bipartite Settlement and enquiry before the order was not required. It was held that principle of natural justice was inbuilt in clause 15 of the settlement.

Clause 16 : "Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more consecutive days without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the management is satisfied that he has no present intention of joining duties, the management may at any time thereafter give a notice to the employee's last known address calling upon the employee to report for duty within 30 days of the notice stating inter alia, the grounds for the management coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the Bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the Bank's right to take any action under the law or rules of service."

The applicant has stated that in the month of April 1997 his wife had paralatic attack and on receipt of the information he submitted leave application w.e.f. 22-4-97. He came to Jaipur during leave and as there was none to look after treatment of his wife and to take care of children he submitted leave application marked Ex. W.1 under UPC marked Ex. W.2. As the condition of his wife did not improve he sent another application on 9-5-97 for a period of 2 months from 22-5-97 to 21-7-97 marked Ex. W.3 under

UPC marked W-4 and again submitted leave application dt. 10-9-97 for a period of one month marked Ex. W-5 under UPC marked Ex. W-4. On receipt of letter dated 27-9-97 marked M-6 he sent application dt. 21-10-97 referring to his previous applications for leave marked Ex. W-8. As his son received fire burn injuries on Deepawali, he sent telegram on 18-11-97 for extension of leave up to 30-11-97 marked Ex. W-11. The certificate of his son is marked Ex. W-12. He has also stated that vide letter dt. 1-12-97 marked Ex. W-14 and letter dt. 1-12-97 marked Ex. W-16 he was not permitted to join his duty by the Bank. He again sent letter 15-5-98 marked Ex. W-17 for reconsideration but with no result. He also has stated that prescription of his wife are Ex. W-18 and W-19 and W-20. On the other hand on behalf of the non-applicant Shri Premraj, Deputy Chief Manager, personnel Dept of the Zonal Office of the Bank Lucknow has stated that the applicant did not submit or send leave applications on the ground of illness of his wife to the Manager of the Cholas Branch. He was habitual to remain absent regularly without submitting any leave application and his total unauthorised absence as on 30-6-96 was 494 days which was communicated to him. No leave applications as stated by the applicant in the claim were received at Cholas Branch of the Bank. The applicant was deemed to have voluntarily retired from the service of the Bank vide notice dt. 13-11-97 under para 17(a) of the Bipartite Settlement. Similar letters were issued to the applicant from 8-12-96 advising him to report for duties but he did not heed to the advise. In spite of Bank Notice dt. 26-9-97 to join duty within 30 days he did not respond and therefore clause 17 (a) of the Bipartite Settlement was invoked. He has also verified documents Ex. M-1 to M-12 referred above.

The applicant could not state as on which date his wife had paralatic attack. The prescription of his wife marked Ex. W-18 dt. 5-4-97 shows that she was suffering from illness in the first week of April-97. The applicant states that he submitted leave application dt. 22-4-97 for one month which has been denied by Shri Premraj, Deputy Chief Manager. It is a fact that the Branch Manager has not been examined and his statement is based on the information given by the Branch Manager. In the letter dt. 22-9-97 marked Ex. M-5 sent to the applicant and copy of which has been endorsed to Deputy General Manager, Zonal Office Lucknow, it has been stated that neither the applicant has reported for duty nor sent medical certificate. There is no evidence that Branch Manager of Cholas Branch was having any enmity or any prejudice against the applicant, so as to report against applicant falsely that he has not submitted any leave application. In these circumstances the statement of the applicant that he proceeded on leave on 22-4-97 after submitting leave application for one month cannot be believed. In the past also he had been absenting from duties without application as is evident from letter dt. 28-2-97 marked Ex. M-7, the receipt of which has not been denied by the applicant, in which it has been stated that he has been absent from duties without application from 8-4-96. There is presumption about receipt of the applications sent under UPC under Section 114 of the Evidence Act but the same is rebuttable. Shri Premraj, Deputy Chief Manager has denied that the application for

leave alleged to have been sent by the applicant were received by the Bank. There does not appear to be any reason as to why the Branch Manager in his letter should report falsely that no application for leave were received by the Bank. There must be some motive or prejudice on the part of the Bank officers to depose falsely against the applicant. There being no motive or prejudice on the part of Bank officers either it may be that the applications alleged to have been sent by the applicant were lost in the transit or UPCs are the result of manipulation. The statement of the applicant that he came after submitting leave application has been disbelieved. In these circumstances the possibility of manipulation of UPCs cannot be ruled out. It may be stated that application marked Ex. W-1 dt. 9-5-97 alleged to have been sent on that date does not bear the postal stamp of that date. There is no mention on UPC as to what was contained in the envelope sent vide UPC. In the letter dt. 1-12-97 marked Ex. W-13 in reply to the letter dt. 26-9-97 marked Ex. M-4 sent by Deputy General Manager, in which it was stated that he is absent from duties without application from 22-4-97 he has not mentioned sending of applications under UPC marked Ex. W-2 and W-3 and W-5. The above facts also support the above conclusion. The applicant has thus failed to prove that he proceeded on leave after submitting leave application on 22-4-97 for one month and extended leave from time to time. On the other hand it has been proved that he was absent from his duties from 22-4-97 without any application for leave and remained absent upto 13-11-97 for more than 90 days continuously and did not report for duties within 30 days of letter dt. 26-9-97 marked Ex. M-4 and did not submit any explanation for his absence. The Bank was, therefore, perfectly justified in invoking the provisions para 17(a) of the Bipartite Settlement and treating the applicant to have voluntary retired from service w.e.f. 13-11-97. The reporting for duty by applicant after retirement from service became insignificant as the applicant was no more in the service of the Bank. The present case is not simple case of abandonment of service but of voluntary retirement of applicant by the employer as per the standing orders. The applicant was under an obligation to report for duty within 30 days of the letter dt. 26-9-97 marked Ex. M-4 and submit his explanation for his absence which he did not. In the case reported in FJR vol. 55 p. 210 order of striking off name of the workman from the rolls was not as per the standing orders. In the case reported in FJR (vol. 54) 167 the point of voluntary retirement of the employee by the employer as per the standing order did not come for consideration. On the other hand the judgement of the Apex Court in Syndicate Bank's case in which clause 16 of the Bipartite Settlement referred above which is more or less similar to clause 17(a) of the Bipartite Settlement dt 25-4-89 was considered. In the above case it was held that clause 16 of the Bipartite Settlement was rightly invoked and no enquiry was needed. In view of the above discussion the action of the management of the Bank in terminating the services of the applicant by way of voluntary retirement vide order dt. 13-11-97 is held to be legal, just and fair and the applicant is not entitled to any relief.

The copies of the award may be sent to the Central Government under section 17(1) of the Act, 1947 for publication.

नई दिल्ली, 16 फरवरी, 2001

का. या. 533.—प्रांदीय विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलक अधिकारण/अपने व्यायालय लाभनक्त के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 14-2-2001 को प्राप्त हुआ था।

[सं. एस-12012/265/99-प्राई आर (बी-II)]

सी. गगाधरण, आवर सचिव

New Delhi, the 16th February, 2001

S.O. 533.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 14-2-2001.

[No. L-12012/265/99-IR(B-II)]

C. GANGADHARAN, Under Secy.
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
LUCKNOW

PRESIDING OFFICER : RUDRESH KUMAR.
ADJUDICATION

BETWEEN

Hari Prasad Yadav,
S/o Shri R. D. Yadav,
Village : Dharahara,
P.O. Kumhaila,
Ballia (U.P.).

AND

The Regional Manager,
Central Bank of India,
Regional Office, Laka,
Varanasi (U.P.).

AWARD

By reference No. L-12012/265/99/IR(B-II) dated 31-1-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 of I.D. Act, 1947 made over this industrial dispute between Hari Prasad Yadav and the Regional Manager, Central Bank of India, Varanasi for adjudication.

The reference is re-produced as under :

"Whether the claim of Shri Hari Prasad Yadav that he has been engaged for a period of 240 days as Driver by the management of Central Bank of India is justified. If so, whether the action of the management in terminating the services of the disputant w.e.f. 1-1-97 is legal and justified ? If not, what relief the workman is entitled for?"

2. The workman, Hari Prasad Yadav, claims that he was appointed as a driver, on 23-4-1996 and continued till 31-12-1996. During his service, he continuously drove Jeep No. URI 3524, owned by the Central Bank of India. He was required to come on duty at 9 A.M. and relieved at late evening. His work and behaviour was satisfactory. As a driver, he completed 240 days in a calendar year and became entitled to benefits of section 25F of the I.D. Act. A certificate was also issued to him by the management on 8-10-1998, certifying his working days as driver. The management, all of sudden removed him without any notice or notice pay. Another person was engaged 'denying his legal rights' As such, he claims his reinstatement w.e.f. 1-1-1997, continuity in service, and back wages.

3. The management denies of appointing the workman as driver. However, his engagement as casual labour on day-to-day basis is not disputed. In paragraph 5 of the written statement it is averred that the "vehicle is being utilised on day-to-day basis and/or during exigencies depending upon need of the Bank for which the services of casual drivers are utilised." Thus, the management has not disputed owing the said jeep and utilising services of the workman as Jeep driver, casually. However, it is denied that the workman was in continuous service for 240 days in a calendar year, and was entitled to benefit of section 25F. A specific plea has been taken in para 14 of the written statement that "the Hari Prasad Yadav left voluntarily casual job of his own accord without giving any information to the Bank's management". The management, thus, does not deny engagement of the workman but asserts that he abandoned the job himself. It is also stated that the workman was not appointed as driver as per rules followed by the bank, so he can not claim reinstatement and service benefits.

4. The issues involved may be shortlisted, whether the workman Hari Prasad Yadav was engaged as driver and worked for more than 240 days in terms of section 25B and acquired entitlement to seek benefit of section 25F of the I.D. Act ? In this context, it is also to be ascertained whether the management's case that the workman abandoned the services on his own, is trustworthy ?

5. Parties relied on oral and documentary evidence. The workman has filed a certificate issued by the Manager, Central Bank of India, Ballia Mr. C. B. Misra. According to this certificate, the workman

Hari Prasad Yadav worked as driver of Jeep No. URI 3524 from 23-4-1996 to 31-12-1996. It also certified satisfactory conduct and maintenance of the vehicle in good condition. In addition, two cash memos dated 24-10-1996 and 31-10-96 were filed to show that the petrol was purchased for said vehicle and the vehicle was under use and not idle. In addition, the workman examined himself to substantiate his averments in claim statement. He was cross-examined by Mr. V. K. Gupta, the A/R of the management.

6. The management also filed a photo copy of bearer cheque No. BCA/H-033396 dated 29-6-96 for Rs. 1000 issued in favour of the workman. Mr. C. B. Misra was examined as a management witness. He denied to have issued certificate, which was allegedly issued by him to the workman. As the certificate under signature of Mr. C. B. Misra, is the basis for the claim, the workman desired to get his signature verified by an expert. He filed a photo copy of one letter written by Mr. C. B. Misra on 21-10-2000 and prayed to direct management to produce its original so as the disputed signature could be examined by an expert. Initially, the management desired to place the letter before this Tribunal and its Authorised Representative stated that the said letter has been received but on the subsequent date, he took another plea and informed in writing that the original letter was not traceable. Only a photo copy of the letter was placed. The issuance of this letter under the signature of Mr. C. B. Misra is not disputed. However, non-production of original letter denied opportunity to the workman to get examined signature of Mr. C. B. Misra by an expert.

7. It is material to note that signature of Mr. C. B. Misra on the photo copy of the original letter, filed by the management, tally with his signatures on the certificate issued to the workman, even if examined by bare eyes. It is surprising that Mr. C. B. Misra changed style of his signatures and signed differently in records of this court and also on the affidavit filed by him. This clever device appears to have been adopted to disclaim issuance of the certificate in favour of the workman for reasons best known to him. As observed earlier, it is he, who issued certificate to the workman confirming working days and certifying work and conduct.

8. The management has not specified as for what period and with that rate, wages were paid ? A copy of cheque for Rs. 1000 only is filed by the management which does not indicate whether the payment was on daily basis or monthly basis. It cannot be assumed that the bank management lost documents of payments, especially, when nothing is categorically stated. The certificate is true one and the onus is on the management to discharge the burden that the workman had no legal status. A jeep owned by the bank supposed to have been regularly driven by a driver. Unlike manual casual worker, a jeep driver could not have been changed daily. The workman must have worked regularly and continuously for the days mentioned in the certificate. There is no material to infer otherwise. The working days are more than 240 days, casting obligation on the management to comply with provisions provided under section 25F. Admittedly this compliance was not made.

9. The case of the management that the workman abandoned the job on his own is also untrustworthy. There is no evidence to substantiate this fact. The manager of the bank posted at the relevant time was not produced, though supposed to be working with the bank. Bank should have examined direct evidence on the point. This plea is an after thought.

10. In totality of the facts and circumstances, the workman Hari Prasad Yadav continuously worked for more than 240 days. The management failed to comply with the provision of section 25F by giving notice or notice pay and compensation and its action was illegal and unjustified. The workman is entitled to reinstatement with back wages.

11. The reference is answered in favour of the workman Hari Prasad Yadav. He is entitled to reinstatement as driver with back wages.

Lucknow,

6-2-2001

RUDRESH KUMAR, Presiding Officer
नई दिल्ली, 16 फरवरी, 2001

का. आ. 534.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार श्रीशोगिक अधिकरण/अमन्यायालय लखनऊ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-2-2001 को प्राप्त हुआ था।

[सं. एल-12011/172/2000—भाई आर (वी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 16th February, 2001

S.O. 534.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Lucknow as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 14-2-2001.

[No. L-12011/172/2000-IR(B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
LUCKNOW

Presiding Officer—Rudresh Kumar.
ADJUDICATION

BETWEEN

The Minister,
I.N.B.E.F. Kanpur Unit,
85-A, Chandra Nagar,
Kanpur
(espousing cause of Pradeep Kumar Saraswat)

AND

The Regional Manager,
Punjab National Bank,
Regional Office,
59/29 Birhana Road,
Kanpur.

ORDER

By reference No. L-12011/172/2000/IR(B-II) dated 18-10-2000, the Central Government in the Ministry of Labour, in exercise of powers conferred by clause (d) of sub-section (1) of section 10 I.D. Act, 1947 made over this industrial dispute between the Minister, INBEP, Kanpur espousing cause of Pradeep Kumar Saraswat and the Regional Manager, Punjab National Bank, Kanpur for adjudication.

The reference is re-produced as under :

“Whether the Claim of Sh. Pradeep Kumar Saraswat, Clerk that his Leave Account has not been Properly Maintained by the Management of Punjab National Bank Kanpur is Correct ? If so, What Relief is the Workman Concerned is Entitled To ?”

2. In the present case, claim relates to maintenance of correct leave account by the management of Punjab National Bank, Kanpur. The cause of Pradeep Kumar Saraswat was espoused by the Minister, INBEP, Kanpur Unit, 85-A, Chandra Nagar Kanpur. The workman was issued registered notices on 28-11-2000, 12-1-2001 and 15-1-2001. These registered notices were returned with endorsements, address being incomplete. In view of the said fact, it is not possible to procure appearance of the workman and to adjudicate this reference. Notice was also given by the Ministry vide its reference order, but in response to it, no claim statement was filed.

3. Thus, it is not possible to adjudicate the reference on merit, and it is returned without any award.

Lucknow,

1-2-2001.

RUDRESH KUMAR, Presiding Officer

नई दिल्ली, 14 फरवरी, 2001

का. आ. 535.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसरी मनजीत स्टोन क. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-1-2001 को प्राप्त हुआ था।

[सं. एल-29011/2/95—भाई आर (विविध)]

वी. एम. देविंद, अवर सचिव

New Delhi, the 14th February, 2001

S.O. 535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management M/s. Manjit Stone Co. and their workman, which was received by the Central Government on 18-1-2001.

[No. L-29011/2/95-IR(M)]
B. M. DAVID, Under Secy.

अनुवंश

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा राज. पीठासीन अधिकारी श्री महेश चन्द्र भगवती, आर. एच. डि. एस.

निर्देश प्रकरण क्रमांक . औ. न्या. 12/95
दिनांक स्थापित 19-6-95

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संघ एल-29011/2/95-याई. भार. (विविध)
दि. 9-6-95

निर्देश अन्तर्गत धारा 10(1)(घ)
औद्योगिक विवाद अधिनियम, 1947

मध्य

मती, राष्ट्रीय मजदूर संघ (इन्टक) रामगंज मण्डी जिला कोटा । —प्रार्थी श्रमिक यूनियन

एवं

श्री मनजीत सिंह द्वारा म. मनजीत स्टोन कंपनी, जुल्मी तह. रामगंज मण्डी जिला कोटा ।

—प्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक यूनियन की ओर से प्रतिनिधि :—श्री मतीश पचौरी

प्रार्थी नियोजक की ओर से :—एक पक्षीय कार्यवाही अधिनिर्णय दिनांक . 20-12-2000

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश दि. 9-6-95 के जरिये निम्न निर्देश/विवाद, औद्योगिक विवाद अधिनियम, 1947 जिसे तदुपरान्त “अधिनियम” से सम्बोधित किया जावेगा की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

“क्या प्रबन्धन श्री मनजीत सिंह पुत्र हरवंश सिंह, मैसर्स मनजीत स्टोन कंपनी, कोटा द्वारा उनका लाईम स्टोन खान, जुल्मी सहस्रील रामगंज मण्डी जिला कोटा में कार्यरत कर्मकारों को लेखा वर्ष 1992-93 एवं 1993-94 में बोनस का भुगतान नहीं करने की कार्यवाही उचित एवं नियमानुसार है ? यदि नहीं तो कर्मकार विस अन्तोष के हकदार हैं एवं किसना प्रतिशत पाने के अधिकारी है ?

2. निर्देश/विवाद, न्यायाधिकरण में प्राप्त होने पर पंजीयन उपरान्त पक्षकारों का सूचना विविचित रूप में भिजवाई गयी जिस पर दोनों पक्षों की ओर से अपने-अपने अध्यावेदन प्रस्तुत किये गये ।

3. प्रार्थी श्रमिक यूनियन की ओर से बलेम स्टेमेस्ट प्रस्तुत कर संक्षेप में यह अभिकथित किया गया है कि अप्रार्थी सरदार मनजीत सिंह लाईम स्टोन खान बमुकाम जुल्मी सहस्रील रामगंज मण्डी का लीज होल्डर है । अप्रार्थी की लीज में आई उक्त खान पर बहुत से मजदूर दैनिक व मासिक वेतन पर कार्य करते हैं जिनका भुगतान अप्रार्थी ही करता है । आगे यही अभिकथित किया गया है कि उक्त खान पर कार्यरत श्रमिकों की अप्रार्थी नियोजक द्वारा वर्ष 1993-94 का 20% बोनस जोकि वाजिब बनता है और जो दीपावली से पूर्व भुगतान करना था, का भुगतान अभी तक नहीं किया गया है जिस सम्बन्ध में एक रजि. नोटिस दिनांकित 12-9-94 भेजकर भी भुगतान की मांग की गयी थी परन्तु उसका भी कोई प्रत्युत्तर नहीं दिया गया । आगे यह भी अभिकथित किया गया है कि श्रमिकों को उक्त बोनस की राशि देय है जो इस बात से प्रमाणित है कि वर्ष 94-95 के बोनस के लिए अक्टूबर, 1995 में अप्रार्थी के साथ ममता सम्पन्न दुश्मा था जिसमें उपरोक्त द्वारा 10 प्रतिशत बोनस देना स्वीकार किया गया था और जितका भुगतान भी श्रमिकों को अप्रार्थी द्वारा किया गया है । इस प्रकार श्रमिकागण वर्ष 1993-94 के लिए 20% बोनस प्राप्त करने के अधिकारी हैं जो उन्हे अप्रार्थी से दिनवाया जावे ।

4. अप्रार्थी नियोजक की ओर से जवाब प्रस्तुत कर श्रमिक यूनियन द्वारा श्रमिकों के लिए उक्त वर्ष 1993-94 के लिए 20% बोनस की मांग को अधिकारी हीन बनलाया गया है तथा यही अकित किया है कि चूंकि अप्रार्थी के लिए यह प्रथम लेखा वर्ष था इसलिए इस वर्ष का कोई बोनस दद्य नहीं है जबाब में आगे यह भी अभिकथित किया गया है कि वर्ष 1993-94 के बाद के वर्षों में अवैत वर्ष 1994-95 और 1995-96 में प्रार्थी श्रमिक यूनियन के साथ हुए सामझौते के अनुसार श्रमिकों को अमाल: 10% और 12% बोनस का भुगतान किया गया है । अन्त में यही अभिकथित किया गया है कि चूंकि श्रमिकों को वर्ष 93-94 का बोनस देय नहीं है, अतः प्रस्तुत बलेम निरस्त किया जावे ।

5. प्रार्थी श्रमिक यूनियन के सचिव श्री रामगोपाल गुप्ता ने अपना अपने-पत प्रस्तुत किया है जिसे अप्रार्थी पक्ष की ओर से कोई प्रतिरोध नहीं की गयी । यद्यपि साक्षी से प्रतिपरीक्षा हेतु 10-11-2000 नियस थी परन्तु उस दिन उनके प्रतिनिधि श्री एम. के. शर्मा ने कोई हिदायत अप्रार्थी न होना प्रकट किया और अप्रार्थी नियोजक अधिकारी उसका कोई ग्रन्थ प्रतिनिधि उपस्थित नहीं दुश्मा, अंततोगत्वा उसके विरुद्ध कार्यवाही एकतरफा के आदेश पारित किये गये ।

6. बहुस विद्वान प्रतिनिधि श्रमिक पक्ष की मुनी गयी व पत्रावली व उपलब्ध साक्ष्य का ध्यानपूर्वक परिशीलन किया गया ।

7. प्रार्थी श्रमिक पक्ष की ओर से प्रार्थी श्रमिक यूनियन सचिव रामगोपाल गुप्ता ने अपने शपथ-पत्र में सामग्री उन्हीं तथ्यों का अर्णन किया है जोकि उनकी ओर से प्रस्तुत कोम स्टेटमेन्ट में वर्णित किये गये हैं । प्रार्थी श्रमिक पक्ष की ओर से उक्त केन्द्र में शपथ-पत्र में वर्ष 1993-94 के लिए 20 % बोनस की मांग का अंकन किया गया है, परन्तु उनकी ओर से इस दर से बोनस प्राप्ति के प्रमाण में कोई ठोस प्रेक्षण न्यायाधीकरण के समक्ष प्रस्तुत नहीं किये गये जिससे उन्हें इस दर से उक्त धर्ये के लिए बोनस प्राप्त करने का अधिकारी ठहराया जा सके । धर्यपि अप्रार्थी नियोजक की ओर से अवाव में प्रार्थी श्रमिक पक्ष की उक्त मांग को अनुचित ठहराया गया है परन्तु सत्य ही उन्हें द्वारा आगे यह भी स्पष्ट स्वीकारोक्ति नहीं है कि उनके द्वारा श्रमिकों को वर्ष 1993-91 के बाद के वर्षों अर्थात् वर्ष 1994-95 एवं 1995-96 के लिए प्रार्थी यूनियन के साथ हुए समझौतों के अनुसार कमशः 10 एवं 12 प्रतिशत बोनस का भुगतान किया गया है । कानूनन अप्रार्थी नियोजक बोनस भुगतान प्रधिनियम के तहत श्रमिकों को एक वित्तीय धर्ये के लिए न्यूमतम 8.33 % बोनस का भुगतान करने के लिए उत्तराधीय है । अतः हस्तगत मामले में भी प्रार्थी श्रमिकगण वर्ष 1993-94 के लिए अप्रार्थी नियोजक से 8.33 % की दर से बोनस राशि प्राप्त करने के अधिकारी होना पाये जाते हैं ।

8. सम्बेदित निर्देश/विवाद में जहां तक वर्ष 1992-93 के बोनस की अधिकृतता का प्रश्न है, स्थिर प्रार्थी श्रमिक पक्ष की ओर इन वर्ष के बोनस की मांग के सम्बन्ध में न तो अपने कोम स्टेटमेन्ट में वर्णन किया गया है और न ही प्रस्तुत शपथ-पत्र में लेख मात्र भी कोई साक्ष्य रही है, अतः श्रमिक पक्ष वर्ष 1992-93 के लिए साक्षात्भाव में कोई बोनस प्राप्त करने के अधिकारी नहीं है ।

परिणामतः राज. सरकार, श्रम विभाग द्वारा सम्बेदित निर्देश/विवाद को अधिनिर्णित कर इस प्रकार उत्तरित किया जाता है कि अप्रार्थी नियोजक प्रश्नबन्ध श्री मनजीत सिंह पुत्र हरवंश सिंह, मसर्स, मनजीत स्टोन कं. कोटा हारा उड़की साईम स्टोन खान, जुल्मी लहसील शामगंज झण्डी जिला कोटा में कार्यरत कर्मकारों/श्रमिकों को लेखा वर्ष 1993-94 में बोनस का भुगतान नहीं करने की कार्यवाही अनुचित है, फलतः श्रमिकगण/कर्मकार वर्ष 1993-94 सेवा वर्ष के लिए अप्रार्थी नियोजक से 8.33 % की दर से बोनस राशि प्राप्त करने के अधिकारी घोषित किये जाते हैं । श्रमिकगण/कर्मकार, अप्रार्थी नियोजक से वर्ष 1992-93 सेवा वर्ष के लिए साक्षात्भाव में कोई बोनस राशि प्राप्त करने के अधिकारी नहीं है ।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 14 फरवरी, 2001

का. आ. 536.—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, फेन्ड्रीय सरकार मिनरल एक्सप्लोरेशन कॉर्पोरेशन लि. के प्रबन्धतांब के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्विट श्रीशोगिक विवाद में केन्द्रीय सरकार श्रीशोगिक अधिकरण नागपुर के पंचाट भो प्रकाशित करती है, जो केन्द्रीय सरकार को 1-2-2001 को प्राप्त हुआ था ।

[सं. एल-29012/54/2000-आई आर. (विवाद)]
बी. एम. डेविड, अवर सचिव

New Delhi, the 14th February, 2001

S.O. 536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the Mineral Exploration Corporation Ltd. and their workmen which was received by the Central Government on 1-2-2001.

[No. L-29012/54/2000/IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.
Reference No. : CGIT-276/2000

Employers in relation to the management of
Mineral Exploration Corporation Ltd.

AND

Their Workmen

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of Sub section (1) and Sub section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order L-29012/54/2000/IR(M) Dated 7-9-2000 on the following schedule.

SCHEDULE

“Whether the action of the management of MECL Nagpur, in curtailing facilities relating to encashment of 15 days Earned Leave for the year 2000 w.e.f. 6-5-99 is legal and justified? If not, to what relief the workers are entitled and from what date?”

This dispute has been raised regarding the curtailing of encashment of 15 days Earned Leave for the year 2000 by the management of MECL. On behalf of the workmen, Minexplore Employees Democratic Union has raised this dispute. On behalf of the workmen, Minexplore Employees Democratic Union that the statement of claim could not be prepared and another date be given to the union for filing statement of claim. The case was adjourned to 30-11-2000 on the request of the union.

On 30-11-2000 the representative of the union did not turn up to contest the case. The General Secretary of the Union did not submit any statement of claim. The case was again adjourned to 2-1-2001.

Today, also neither the General Secretary of the union turned up nor any statement of claim has been filed. The counsel for management Shri N. N. Mothgare is present. He says that nobody from the union is coming to contest the case.

In view of the above facts it is evident that the General Secretary of the union is himself avoiding to submit statement of claim, though more than two months have passed.

The reference is disposed off for want of prosecution.

ORDER

The reference is disposed off for want of prosecution as no statement of claim has been filed by the General Secretary of the union.

Date : 2-1-2001

B. G. SAXENA, Presiding Officer

नई दिल्ली, 16 फरवरी, 2001

का.प्रा. 537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल एल्युमिनियम कॉ.लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-2-2001 को प्राप्त हुआ था।

[मं. एल-43012/24/2000-आईआर(विवाद)]
बी.एम. डेविड, प्रबंध सचिव

New Delhi, the 16th February, 2001

S.O. 537.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the National Aluminium Co. Ltd. and their workmen which was received by the Central Government on 1-2-2001.

[No. L-43012/24/2000/IR(M)]
B. M. DAVID, Under Secy.

ANNEXURE

SRI S. K. DHAL, OSJS (SB), PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ORISSA BHUBANESWAR

Industrial Dispute Case No. 27/2000
Dated, Bhubaneswar, the 6th February 2001

BETWEEN:

Basant Kumar Nayak —Applicant.
—Vrs.—

The General Manager,
M/s. National Aluminium Co. Ltd.,
Captive Power Plant, Angul. — Opp. Party.

APPEARANCES:

Sri Basant Kumar Nayak,

Applicant. (In person) — For the Applicant-Workman.

Sri P. K. Rath, Dy. Manager (Law), Nalco.—
For the Opp. Party-General Manager, M/s.
NALCO, Captive Power Plant, Angul.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred the following dispute for adjudication vide their Order No. L-43012/24/2000/IR (M), dated 24-10-2000:—

“Whether the action of the management of NALCO in charge of IAPL in not considering the enrolment of the disputant, Shri B. K. Nayak, in IAPL is justified? If not, what relief the disputant is entitled to?”

2. While making reference a copy was sent to the National Aluminium Co. Ltd, General Manager, Captive Power Plant, Angul, as Second party Both the Management and the workman have appeared before this Tribunal.

3. In pursuance to the notice of the Govt. of India the Management filed written statement stating that the Captive Power Plant is a separate and independent Unit of Nalco and the General Manager of the said Plant being the Unit head is no way connected to IAPL matter. The workman also while filing the rejoinder has taken the same stand. He has stated that the reference has been made wrongly and the case relates to Smelter Plant of Nalco instead of Captive Power Plant.

4. During course of hearing it was submitted on behalf of the Management that, when the workman has taken the stand supporting him that Captive Power Plant is not the Management, there is no dispute exists and so the case against the Management is to be dropped. On the otherhand it has been submitted on behalf of the workman that, without dropping the case; a correction could be made in place of Captive Power Plant.

5. While making reference the General Manager, Nalco, Captive Power Plant has been made as Opp. Party. The workman has accepted the stand of the Opp. Party that, the Captive Power Plant is not the Management from whom he wants relief but the Smelter Plant is the proper authority.

6. So in view of the above facts I agree with the Opp. Party that, no dispute appears to have been exists between the workman and the Opp. Party.

7. So there is no necessity for this Tribunal to answer the reference made.

8. Hence, the reference is disposed of accordingly. Dictated and corrected by me.

Dated 6-2-2001.

S. K. DHAL, Presiding Officer